

**Force or Consent as The
Basis of American
Government**


BY

DR. MARY SCRUGHAM

**The Debate on the Subject by the Author
and Attorney W. H. Townsend**

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FOREWORD

THIS pamphlet contains a lecture delivered before the Lexington Chapter of the United Daughters of the Confederacy and the debate which followed its publication in the Lexington Herald. The letters of the debate were written to the Editor of the Herald and were published in successive Sunday editions of the paper. They are published just as they appeared in the Herald. This republication in more permanent form is the outcome of the feeling among the members of the Lexington Chapter, (and others, including some well-known leaders of thought in both the ranks of the U. D. C. and the S. C. V.) that the subject dealt with deserves a wider publicity as a matter of educational policy in the spreading of the truth.

The historical research upon which "Force or Consent as the Basis of American Government" is founded covers a period of ten years reading through the original sources upon which all statement of fact must rest if it is to have a rock foundation of truth. The general public neither has the time nor the taste for reading innumerable old letters and papers and must rely for its knowledge of the past on the statements of those who have done this reading. Any historian who neglects to consider all the evidence is as guilty as a judge would be who refused to hear both sides of a case. In order that the general public may not be deceived by quack historians—any account printed about the past is not necessarily history, for history is not history unless it is the truth—the great Universities of America and Europe have established graduate schools of history just as they have schools of law and medicine. The degree of Ph. D. is conferred by the Universities on any person who has completed the study and research prescribed by the University authorities as evidence that the person is a "qualified" and not a "quack" historian. This is not to say that no one but a Ph. D. can write true history, but it does mean that a Ph. D. is more likely to be more accurate than one who has not received the rigid training of a great graduate school in writing accurate accounts—just as a trained physician is more certain to diagnose correctly a complicated disease than a practical nurse. It happens that the author of "Force or Consent as the Basis of American Government" is a "qualified" as distinguished by Columbia University from a "quack" historian.

The general public's opinion of Abraham Lincoln and the part he played in the opening of the Civil War seems to be largely the result of Republican propaganda. That is to say the Republican press has long and systematically held up Lincoln as the model of all perfection. As a matter of cold historical fact, Lincoln was a very shrewd politician. The fact that in 1860 both radical Abolitionists and conservative Whigs voted for him on the basis of his statements which could be interpreted to mean policies friendly to both radicals and conservatives is the determining evidence that makes it necessary to classify Lincoln as a very shrewd politician. The conservatives would certainly not have voted for a John Brown Abolitionist and the Abolitionists would not vote for any one who was not an abolitionist. Nevertheless, Lincoln managed to have both groups—both conservatives and abolitionists—vote for him. And how did he manage to accomplish such a political miracle? By the politically shrewd expedient of making remarks which could be interpreted to suit the tastes of both groups.

In the Fort Leavenworth address, Lincoln stated that it would be his duty to deal with the persons who most strenuously objected to his policy as old John Brown was dealt with. There was nothing he could have said which would have given more satisfaction to the radical abolitionists of the north than this "eye for an eye and tooth" remark just after the hanging of John Brown for inciting the Virginia slaves to murder their masters in the dead of night. Is it any wonder that the radical abolitionists of the north voted solidly for Lincoln? Or can it be a matter of surprise that the southerners voted unanimously against the author of such a sentiment. However, in the same address, Lincoln did not say that John Brown was wrong and should not have done as he did, but "it could avail him nothing that he might think himself right." However, the conservatives of the north came to the conclusion that Lincoln was not a radical abolitionist and also voted for him.

Not only this Fort Leavenworth address but also Lincoln's Cooper Union speech and the famous House-Divided speech made in the debate with Douglass contained similar strategic remarks which blended, even adroitly blended, the radical and conservative views in such a manner as to attract and hold the votes of both the radical and conservatives in his following. Either Lincoln was a radical or he was a conservative; or he was a politician playing for

the support of both radicals and conservatives in order to get elected to office. The conservatives claimed him as a conservative, and Attorney W. H. Townsend so believes him to have been to this day and seeks to prove him to have been by selecting all of his conservative remarks and laying great stress on them, but at the same time ignoring the remarks that attracted the radicals. In order to determine whether Lincoln was a conservative or a radical, the correct test is undoubtedly not that used by Attorney Townsend but that advocated by the Bible, i. e., "by their fruits ye shall know them." Judged by his fruits, Lincoln was a radical and also a politician, for, the results of the Civil War amounted to a John Brown raid into the South and Lincoln continued to be supported by both radicals and conservatives even in his second election. It is inconceivable how he can be regarded as a "conservative" by any one who undertakes to examine the evidence in order to ascertain the truth. The radicals no doubt knew that Lincoln had contributed substantially to John Brown's expedition but the conservatives were not aware of this affiliation.

It should be perfectly clear to the general public why the southern people did not want a sympathizer with John Brown as the chief executive officer of their states. The southern leaders demanded that Lincoln give incontrovertible evidence about which branch of the party which elected him—whether conservative or radical wing—that he intended to belong to as President before they settled down to accepting him, even though the southern people had unanimously voted against him. They wanted to have everybody absolutely certain where he stood including not only the radicals and conservatives of the north but also the people of the south. If Lincoln had been frank about what he intended to do, either the radical or the conservative wing of his party would have repudiated him. Lincoln refused to make a clear cut, unequivocal statement of his position. Therefore, it is necessary to conclude that Lincoln was a politician. Lincoln told the truth but he failed to tell all of the truth in such a way that the common man could get his exact meaning. Lincoln said that the Civil War was caused by politicians. Undoubtedly this contains the truth. But to have told the whole explicit truth, he should have said, "The Civil War was caused by politicians, chief among whom is myself."

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Force or Consent as The Basis of American Government

By DR. MARY SCRUGHAM

(Author of "The Peaceable Americans of 1860-1861," published as one of the Columbia University studies in History, Economics and Public Law.)

NOTE—By editor of the Lexington, (Ky.) Herald. The accompanying article is a lecture given by Dr. Mary Scrugham before the Daughters of the Confederacy in a meeting and is based on a thesis by which Dr. Scrugham won her Ph. D. degree at Columbia University in 1921.

The glory bestowed upon Abraham Lincoln for saving the American Union is a strange paradox. For he did not save the Union. The fact is he came very near destroying it.

The principle on which free government is based is the consent of the governed. In a speech which Lincoln made in New York before he was nominated for the presidency, he denied this right to the southern states in so far as their consent to the choice of a President—the chief executive officer—of the United States was concerned. He frankly admitted that a nominee of the so-called Black Republican party could not receive a single vote in most of the southern states. But he maintained that government based on consent was not being denied them because they were offered the privilege of voting for a Black Republican and could vote for him or not if they wanted to. It would be just as reasonable to maintain that the Belgians were granted the same kind of privilege by the Germans in 1914 because they had a right to say "Yes" to the German proposals. Consent means saying "Yes." It does not mean saying "No." If a man asks a woman to marry him and she says "No," it can not be said that her consent has been given. If, regardless of "No," he drags her to the altar and at the point of a bayonet forces her to say "Yes," the marriage can not be said to be based on consent. Obviously, it is based on force. A union based on force and a union based on consent are as different as day and night—whether in government or in matrimony. Force is force; and the mailed fist is the mailed fist, whether it is raised on the fields of Flanders, by the streams of Ireland, or on a march through Georgia.

The difference between the workings of government based on force and government based on consent is well brought out in the difference in the relations which have existed through centuries between Wales and England on the one hand and between Ireland and England

on the other. The Welsh swore that they would never be governed by a prince who was not born in Wales. And Edward I. of England promised them a Welsh prince and presented them with his own son born at the Castle Carnarvon in Wales. To this day the King of Great Britain is first Prince of Wales before he becomes King of Britain. As a result the relations between England and Wales have been peaceful and friendly and the fact that Lloyd George, war premier of the British empire, was a Welshman born proves how close is the union that Edward I. cemented when he presented the Welsh with a Welsh prince. But how different have been the relations between Ireland and England. Government in Ireland has been based on conquest and force for centuries, and the only part of Ireland which shows loyalty to England is Ulster, a county inhabited by the descendants of Englishmen. That Ireland is a Free State today is due directly to the original method of uniting and maintaining government there by force on the part of the English. Happily for Scotland and England, the Scotch king, King James VI., fell heir to the English crown upon England was not based on force. Thus ended the traditional hostility the death of Queen Elizabeth and the resulting union of Scotland and between the English and the Scotch with the accession of James VI. of Scotland as James I. of England.

The American Union before 1861 was based on consent and the American Union after 1876 has been based on consent; but the American Union between 1865 and 1877 was based on force. From the summons for 75,000 troops issued by Lincoln in 1861 to the surrender of the last Confederate General in 1865 the American Union did not exist. Lincoln was president of the dis-United States up to the time of the surrender of Lee at Appomattox and president of the United States only from the time of the surrender to the time of his assassination shortly after. Certainly, Lincoln was not president of the Confederate States at the same time that Jefferson Davis occupied this office. From the surrender of Lee to 1877 when President Grant issued the recall for the last of the northern troops from the southern states after Samuel Tilden had acceded the election of Rutherford B. Hayes, the American Union was based on force. Abraham Lincoln was never president of the American Union based on consent.

Lincoln did not receive a single vote in ten states of the Union and very few in four others; three-fifths of the American voters in 1860 voted against him and only two-fifths for him. In a free government it is held that a majority should rule and that such a government must be based on consent. How many people does it take to say that the consent of a state is given? This is still a moot question. But be the number large or small, there has at least to be one person to say "Yes." Lincoln expressed the desire shortly before his death that military law be withdrawn from any of the southern states in which could be found one-tenth of the people willing to elect and organize a state government under Republican administration at Washington. However, in the election of 1860, Lincoln received absolutely no vote at all, as has

been said, in ten states, and practically none in four others. There was no consent given to his occupying the presidency of the South.

During the presidential campaign of 1860 which preceded the election the Republicans had argued that John C. Breckinridge, the candidate most acceptable to the southern states, was of the same variety as Lincoln and would receive no votes in the northern states; that what was sauce for the goose was sauce for the gander. But the election proved this argument untrue, for Breckinridge received 6,000 votes even in Maine and nearly that many in Massachusetts, the home of the Abolitionists, and over 14,000 in another typical New England state. Breckinridge received votes in every state of the Union. When the results of the election became known and it was revealed that Lincoln, who had received only two-fifths of the popular vote, was the technically chosen president of the whole United States, in ten of which he had not received a single vote, an unprecedented commotion followed. Somebody was bound to have protested, for though chosen in accordance with the form of the law, his election was manifestly a violation of the principle on which the American government was formed. It was a violation not only of the right of one or two states to say "Yes," but of the right of a whole group of states and also a violation of the right of a majority to rule. Under this triple violation it should be no matter of surprise that the most emphatic protest should have been registered. South Carolina promptly seceded from the Union based on consent. Just one single state alone seceded at first by way of protest. Others followed later when they became convinced that the single state's protest produced no results.

Manifestly, the people of the seceding states in which Lincoln had not received a single vote were wedded to a government of, by and for the people, and they did not propose to permit the representative of two-fifths of the people living exclusively in one section of the nation to take control of the enforcement of law in their states. And why did they not want such a man as Lincoln? The answer is obvious and if any person of the present or future generations wishes to know exactly why the southern people lacked confidence—so universally lacked confidence—in Abraham Lincoln, he or she should read the speech he made at Fort Leavenworth in which he spoke favorably of John Brown. The Republican platform of 1860 repudiated John Brown and all of his ways; but the candidate who stood on that platform had spoken favorably of John Brown. It was not as clear as the sun in the cloudless sky to the southern people just what action the southern people could expect in case other John Browns disturbed the domestic tranquillity of the South during the administration of an executive who had spoken favorably of John Brown. In view of this fact it can not be truthfully maintained that the southern people fought to maintain or to perpetuate slavery. The majority of the southerners did not own any slaves and fought against what they believed to be a system of management which would encourage the development of a state of affairs in their

midst similar to that which Bolshevism has brought to Russia. To a man, slave holder and non-slave holder, they were against John Brown raids. Certainly, they fought and they fought well; for there would have been but one worse way to have settled the slavery question than the way in which it was settled and that would have been to have submitted to the John Brown raids without a murmur. One of the chief reasons for the formation of the American Union was a preservation of the domestic tranquillity of the people. "Where there is no protection, no allegiance is due," is a basic principle of all organization.

When the technically legal election of Lincoln became an ascertained fact, the editor of the Louisville Journal wrote Lincoln and requested that he make some explanation of his exact position on the slavery question which was agitating the South. Lincoln replied and calmly referred the editor to his already published speeches and well-known views and refused to add one dot to an "i" or a cross to a "t." To this day it has not yet been decided just where Lincoln stood on the slavery question at this time, in view of the fact that he was elected on the platform of his party. By some historians he is hailed as a thorough-going abolitionist from start to finish; by others he is regarded as casting aside all considerations in order to save the Union from disruption. But, be the fact as it may, he refused to give the southern people satisfaction as to where he stood in 1861, and state after state solemnly separated themselves from the Union based on consent.

On account of their geographical position, the Kentuckians of 1860 knew that the northern people had not intended to abrogate the principle on which the Union was founded in voting for Lincoln as president. Up to 1860, no man had been elected president who had not received votes in all of the states and in all sections of the country. Henry Clay of Kentucky had been chiefly responsible for this unbroken custom. Clay should be known as the Great Commoner—not because he was a common man, not because he had any special admiration for the common man, not because he believed that the same law should be common to rich and poor alike, nor yet because he championed the Common Law of England, but because he insisted eloquently, forcefully and continually throughout his long career in public life that the federal and state governments alike should concern themselves with the common interests of all the states and all the people in those states and not with the special interests of a few states or a few people. Essentially this is a fundamental principle. The federal government must concern itself with the interests which are common to all the states and all of the states must decide what those interests are and the people of no state be entirely ignored. It was for this principle that Henry Clay stood like Gibraltar. When Clay said "I would rather be right than President," it was this principle that he had in mind. Clay could readily have secured an election to the presidency if he had consented to abrogate it as Lincoln did. He chose to lose the presidency

three times rather than abrogate, or take any chances on abrogating, the principle on which our government rests and on which the American Union was formed. The states themselves, and the people within those states who are qualified voters, are held to be the best judges of what their own interests are; inherently, such is the nature of government of, by and for the people.

Naturally, the State of Kentucky, which had followed the lead of Henry Clay for half a century, would be the state which would make the most heroic effort to see the principles of the Great Commoner sustained. As has been said, the Kentuckians knew that the average northern voter who had voted for Lincoln had voted for him for reasons other than his supposed friendliness to John Brown, and they had no intention when voting for Lincoln of abrogating government of, by and for the people of all of the states. An investigating committee had been at work in Congress such as the one which unearthed the Teapot Dome scandal and had revealed some corruption in the Democratic administration of President Buchanan who at the time was president. Turn the rascals out and put in an honest man such as "Honest Abe" was the greatest issue of the day. The Republicans had also advocated a higher tariff than then existed and Kentucky knew that this was sufficient alone to have thrown several states into the Lincoln electoral column regardless of some remarks he may have made about John Brown. Kentucky knew that a majority of the northern people did not approve of John Brownism in the South, but they also knew that the southern people did not realize this fact. The Kentuckians understood the situation and they knew how it had arisen. They fully realized the seriousness of the misunderstanding arising from the entrance of a man to the executive power with John Brown sympathies in whom the southern people lacked confidence and in whom the northern people had no such reason to lack confidence.

However, the Kentuckians felt that a disruption of the Union was uncalled for and that a war to settle the misunderstanding was entirely unnecessary. The State of Kentucky laid proud claim to Henry Clay and it was but natural that Kentuckians should also propose a statesmanlike settlement of the difficult situation arising from the abrogation of the principle of a man's becoming chief executive officer of the nation without the common consent of all the states forming the nation. The Kentuckians therefore requested the calling of a national constitutional convention to settle the matter—just such a solemn convention as had drawn up the Constitution in 1787. They were certain that if the northerners and southerners could calmly talk the matter over, that no fighting would be necessary to save the Union. Under the circumstances, the Republican leaders could not hope for a majority in such a convention; for they had received only two-fifths of the vote of the people as it was and that on the assurance by the Republican newspapers (which were the only papers that a number of them took), that the election of Lincoln would lead to no attempt to dissolve the Union; that there would be no war, nothing but "peace and

prosperity" resulting from his election; nothing but honest government by Honest Abe and the elimination of the negro question from politics forever. Such were the campaign promises of the Republicans in 1860. A national convention similar to that of 1787 might well have reconsidered the election of Lincoln. The only certain hope for the Republicans to occupy the offices to which they vociferously claimed they had been properly and justly elected was for the leaders of the party to maintain the propriety of such an election and to avoid the full and free discussion of the matter in a national constitutional convention. Instead of taking steps to call such a convention and effecting a delay of the opening of hostilities until it could assemble and settle the abrogation of the American principle of basing the election of a president on the common consent of all of the states, Lincoln issued a call for 75,000 troops to put down the "insurrection of the South."

These being the facts in the case, it can readily be understood how incorrect it is to jump to the conclusion that Lincoln saved the Union. What Lincoln saved in 1861 was the Republican party.

Therefore it seems that Lincoln should primarily be regarded as a great Republican, perhaps the greatest; but not necessarily as a great American, certainly not the greatest of all Americans, for he abrogated a great American principle. Very clearly, the road to power is the road that Lincoln took in calling for troops. To this day, the Republicans are still in power, still in federal office, as a result of Lincoln's course. Doubtless the ambitious Republican officeholders would like to stay there forever.

And now as to the slavery question. There were several ways in which it could have been settled right. John Brownism was obviously not the right way. And neither was a war under the guise of sustaining government of, by and for the people. The slaves could have been bought by ardent abolitionists and then freed. It would have cost a great deal less than the Civil War and all the pensions that have been paid the survivors. Or, they could have been freed by their masters, who were coming to find that the slave labor system was unprofitable and becoming increasingly so on account of the invention of machinery. By 1861, the industrial revolution was in full swing and before the close of the Civil War the McCormick reaper had been invented, which revolutionized the system of farm labor and made it entirely unnecessary to feed, clothe, house and otherwise maintain the year round, year in and year out, enough hands to do the labor which machinery can do at much less expense. In 1861 it was but a matter of a few years before slavery would have died a peaceful and natural death because of its unprofitableness to the owners. Within ten or twenty years it would have been understood by everybody that slaves were as poor economy for getting work done as horses are for getting over the ground rapidly in the days of automobiles. Verily, the Civil War was as unnecessary either to save the Union or to abolish slavery as the battle of New Orleans after the signing of the Treaty of Ghent.

The United Daughters of the Confederacy have rendered a signal service to the perpetuation of government based on consent of the governed by keeping alive the memory of the bravery of those who died that such a government might not perish from the southern states.

Their work will not be completed until they have convinced the world after the manner of the Athenian Greeks that the Greek memorial to Lincoln in Washington is dedicated to the wrong man. The great Unionist, who three times laid his election to the presidency on the altar of his country by insisting that a full, free and fair discussion could settle all problems arising between the states without an appeal to arms, is Henry Clay. His procedure was identical with that advocated by the Greeks who undertook the execution of no policy undiscussed but thoroughly talked matters over before acting. Lincoln's failure to summon a national constitutional convention in order to enable the American people to understand each other before the firing began puts him entirely out of the Greek class, in which Clay is entirely at home. Clay, not Lincoln, deserves the Greek memorial on the Potomac.

However, the Daughters of the Confederacy should proceed to the completion of their task with no hostility toward Lincoln. For Lincoln is on record as saying that the presidency was his first great case misunderstood. When it came to a show down, Lincoln was not in favor of the establishment of a black republic in the southern states. He never advocated the enfranchisement of the negro nor the disenfranchisement of the southern whites; before the war was over he favored shipping all of the negroes back to Africa as the solution of the race problem in this country. The intense sadness in Lincoln's eyes which deepened as the war between the states dragged on and the lists of the killed and wounded lengthened, and his manifest desire at the close of the war to do everything to wipe out as quickly as possible the bitterness resulting from the clash of armies, indicate that he may have felt genuine regret for the part he played in opening the great tragedy which resulted from his failure to give the American people time to talk the difficulty over and reconsider his election to the presidency of the United States by a minority living in only one section of the Union. By his act he sowed the wind and both he and the American people reaped the whirlwind. But

"The tumult and the shouting dies,
The captains and the kings depart;
Still stands Thine ancient sacrifice."

And still stands the Union based on the common consent of all of the states.

A Reply by W. H. Townsend

Editor, Lexington Herald:

In your paper of last Sunday appeared an address by Dr. Mary Scrugham entitled, "Force or Consent as the Basis of American Government," in which Abraham Lincoln is severely arraigned. The indictment is in four counts, to-wit:

1. That Lincoln was an usurper and never President of the American Union.

2. That Lincoln in a speech at Ft. Leavenworth "spoke favorably" of John Brown, and that the southern people "universally lacked confidence" in him by reason thereof.

3. That Lincoln "refused to give the southern people satisfaction as to where he stood in 1861," which caused "state after state to solemnly separate themselves from the Union."

4. That Lincoln rushed the country headlong into war, instead of giving the two sections opportunity to peaceably settle their differences.

During his lifetime, Lincoln promptly and successfully defended himself when assailed, but, since he has been in his tomb these sixty years, that task, in this instance, must be performed by another. Allow me, therefore, as one of the many of those in this country and in foreign lands, who love every seam of sorrow in Lincoln's rugged homely face, in the interest of truth and historical accuracy, to represent the defense.

The evidence presented by Dr. Scrugham, in support of her charges, is, I submit, insufficient to go to the jury. In other words, even if no testimony was introduced in contradiction, the case would be dismissed at the bar of public opinion on peremptory instruction, as they say in court. But as Lincoln was never willing that such a case be terminated this way, neither am I. We shall file our answer and, where relevant, produce Lincoln's own words in refutation of these charges.

Was Lincoln President of the American Union?

Dr. Scrugham says he was not because:

(A) Ten states cast no vote for him and therefore did not "consent" to his election, and that these states followed the example of South Carolina which seceded because her right of "consent" had been violated; and

(B) He received a minority of the total popular vote in 1861.

The Constitution of the United States sets out explicitly how the President shall be chosen. He is not elected by the popular vote, as such. He is elected by the Electoral College only. After providing how the electors shall be chosen, the Constitution says:

"The person having the greatest number of (electoral) votes for President shall be the President, if such number be a majority of the whole number of electors appointed."

The records show that in 1861 the votes of the Electoral College stood as follows: Lincoln, 180; Breckinridge, 72; Bell, 39, and Douglas, 12. The result shows for itself.

And since South Carolina had ratified the Federal Constitution May 23, 1788, she therefore "consented" that the President should be elected in the manner therein provided. Consequently, it is apparent that South Carolina, instead of seceding because her right of "consent" had been violated, actually violated her "consent" by seceding!

Stephen A. Douglas received 1,375,157, or a majority of the Democratic votes in that election. Thousands of votes were received by him in those states where, as Dr. Scrugham says, Lincoln did not get a single vote. Douglas therefore was the representative of at least a part of those individual voters from whom Lincoln is alleged to have usurped executive power. Did he think Lincoln was not entitled to the office? He sat on the platform at the inauguration and held Lincoln's hat, but not only failed to protest there or elsewhere in behalf of his constituency but actually espoused the cause of the Union when the conflict began

John C. Breckinridge, America's ideal statesman, received 845,763 votes, most of these from the South. Certainly, he may be said to have represented all those individual voters who cast their ballots against Lincoln in that election. Did he consider Lincoln a usurper? Not only did he fail to say so, but on Wednesday, February 13, 1861, as Vice President of the United States, he presided over a joint meeting of Senate and House to count the electoral vote. When the count had been finished, as L. E. Crittenden, who was present, recites:

"In a silence absolutely profound, the Vice President arose from his seat and standing erect, possibly the most dignified and imposing person in that presence, declared:

"That Abraham Lincoln, of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for the four years beginning on the fourth day of March, 1861.'"

But Dr. Scrugham says that Lincoln failed to obtain a majority of the total popular vote cast in 1861. So he did. So did Buchanan, Lincoln's immediate predecessor; so did Taylor; so did Garfield; so did Harrison; so did Grover Cleveland, both in 1884 and 1892; so did Woodrow Wilson, both in 1912 and in 1916. Is it too much to ask that what was awarded Cleveland twice and Wilson twice shall not be denied Lincoln once?

According to Dr. Scrugham the South seceded because it "universally distrusted Lincoln," and it distrusted him because of the "favorable" things he said about John Brown at Ft. Leavenworth, the inference being that this address was therefore largely responsible for the Civil War.

I was somewhat surprised at this statement, being under the impression that I had read every speech extant that Lincoln had ever made, whether published or in public or private collection, and I did not recall that Lincoln had at Ft Leavenworth or elsewhere spoken "favorably" of John Brown. However, since the cause of the Civil War had been thus tracked to its hole I went back to the records to see what colossal blunder Lincoln had made in a single speech that had precipitated that bloody conflict which had taken a terrible toll of many lives, including his own. And here is what Lincoln said about John Brown at Fort Leavenworth:

"Old John Brown has been executed for treason against a state. We can not object, even though he agreed with us in thinking slavery wrong. We can not excuse violence, bloodshed and treason. It could avail him nothing that he might think himself right."

This is how Lincoln "spoke favorably" of John Brown on that occasion, and yet, according to Dr. Scrugham, it was these words that caused the South to "universally distrust" Abraham Lincoln.

Just after the election the Louisville Journal, a newspaper hostile to Lincoln, wrote him asking him to define his position anew on the negro question. Lincoln's reply, which is referred to so unfavorably by Dr. Scrugham, is dated October 29, 1860, and addressed to George D. Prentice, the editor. It is too long to be inserted here, but those who may be interested will find it in Lincoln's Complete Works at the public library, or I shall be glad to show it to them in my own collection, and I urge that it be read. The substance is the same as a shorter one written October 23, 1860, to William Speer, which is as follows:

"Yours of the 13th duly received. I appreciate your motive when you suggest the propriety of my writing for the public something disclaiming all intention to interfere with slaves or slavery in the states; but in my judgment it would do no good. I have already done this many, many times; and it is in print and open to all who will read. Those who will not read or heed what I have already publicly said would not read or heed a repetition of it. 'If they hear not Moses and the prophets, neither will they be persuaded though one rose from the dead.'

Yours truly,

"A. LINCOLN."

And practically the same as the one written November 16, 1860, to N. P. Paschall, which is as follows:

"Mr. Ridgely showed me a letter of yours in which you manifest some anxiety that I should make some public declaration with a view to favorably affect the business of the country. I said to Mr. Ridgely I would write you today, which I now do.

"I could say nothing which I have not already said, and which is in print, and accessible to the public. Please pardon me

for suggesting that if the papers like yours, which heretofore have persistently garbled and misrepresented what I have said, will now fully and fairly place it before their readers, there can be no further misunderstanding. I beg you to believe me sincere when I declare I do not say this in a spirit of complaint or resentment; but that I urge it as the true cure for any real uneasiness in the country that my course may be other than conservative. The Republican newspapers now and for some time past are and have been republishing copious extracts from my many published speeches, which would at once reach the whole public if your class of papers would also publish them.

"I am not at liberty to shift my ground—that is out of the question. If I thought a repetition would do any good, I would make it. But in my judgment it would do positive harm. The secessionists per se, believing they had alarmed me, would clamor all the louder.

"Yours, etc.,

"A. LINCOLN."

Since the 16th day of October, 1854, at Peoria, Ill., Lincoln had discussed the negro question and slavery on many occasions, and his views had been widely published. In that Peoria speech, in referring to the southern people, Lincoln said:

"They are just what we would be in their situation. If slavery did not now exist amongst them, they would not induce it. If it did now exist amongst us we would not instantly give it up. This I believe of the masses, North and South. Doubtless there are individuals, on both sides, who would not hold slaves under any circumstances, and others who would gladly induce slavery anew, if it were out of existence * * * When southern People tell us that they are no more responsible for the origin of slavery than we, I acknowledge the fact. When it is said that the institution exists, and that it is very difficult to get rid of it in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself * * * When they remind us of their constitutional rights, I acknowledge them, not grudgingly, but fully and fairly, and I would give them any legislation for the reclaiming of their fugitives which should not in its stringency, be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one. But all this, to my judgment, furnishes no more excuse for permitting slavery to come into our own free territory than it would for reviving the African slave trade by law. The law which forbids the bringing of slaves from Africa, and that which has for so long forbid the taking of them to Nebraska, can hardly be distinguished on any moral principle, and the repeal of the former could find quite as plausible excuses as that of the latter."

And, again, in replying to Douglas at Chicago July 10, 1858:

"We were often, more than once, at least, in the course of Judge Douglas' speech last night, reminded that this government was made

for white men—that he believed that it was made for white men—well, that is putting it in a shape in which no one wants to deny it, but the Judge then goes into his passion for drawing inferences that are not warranted I protest, now and forever, against that counterfeit logic which presumes that because I do not want a negro woman for a slave I do necessarily want her for a wife. My understanding is that I need not have her for either, but as God made us separate we can leave one another alone and do one another much good thereby. There are white men enough to marry all the white women, and black men enough to marry all the black women, and in God's name let them be so married. The judge regales us with the terrible enormity that takes place with the mixture of races, that the inferior race bears the superior down. Why, judge, if we will not let them get together in the territories, they won't mix there."

And, again, in a debate with Douglas at Ottawa, August 21, 1858:

"Now, gentlemen, I don't want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institution of slavery and the black race. This is the whole of it and anything that argues me into his idea of perfect social and political equality with the negro, is but a specious and fantastic arrangement of words, by which a man can prove a horse chestnut to be a chestnut horse. I will say here, while upon this subject, that I have no purpose directly or indirectly to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong, having the superior position. I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas that he is not my equal in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hands earns, he is my equal and the equal of Judge Douglas and the equal of every living man."

In order that it might be certain that his position on this question was understood, Lincoln clipped from the newspapers the foregoing quotations together with others on the subject, pasted them in a scrap book, with an explanatory letter, and sent them to J. N. Brown, who gave the position of Lincoln, as therein set forth, wide circulation, both at the time and in 1860. The letter which accompanied these quotations is as follows:

"I do not perceive how I can express myself more plainly than I have done in the foregoing extracts. In four of them I have expressly disclaimed all intention to bring about social and political equality between the white and black races, and, in all the rest, I have done the same thing by clear implication. I have made it equally plain that I think the negro is included in the word "men" used in the Declaration of Independence. I believe the declaration that 'all men are created equal' is the greatest fundamental principle upon which our free institutions rests; that negro slavery is violative of that principle; but that by our frame of government that principle has not been made one of legal obligation; that by our frame of government the states which have slavery are to retain it or surrender it at their own pleasure; and that all others, individuals, free states and national government together are constitutionally bound to leave them alone about it. I believe our government was thus framed because of the necessity springing from the actual presence of slavery when it was formed; that such necessity does not exist in the territories where slavery is not present. In his Mendenhall speech, Mr. Clay says: 'Now, as an abstract principle, there is no doubt of the truth of that declaration (all men created equal) and it is desirable, in the original construction of society and unorganized societies, to keep it in view as a great fundamental principle.' Again, in the same speech, Mr. Clay says: 'If a state of nature existed and we were put to lay the foundations of society, no man would be more strongly opposed than I should be to incorporate the institution of slavery among its elements.' Exactly so, in all our new free territories a state of nature DOES exist. In fact Congress lays the foundations of society; and in laying those foundations, I say, with Mr. Clay, it is desirable that the declaration of equality of all men be kept in view of the great fundamental principle, and that Congress which lays the foundations of society should, like Mr. Clay, be strongly opposed to the incorporation of slavery among its elements. But it does not follow that social and political equality between whites and blacks must be incorporated because slavery must NOT. The declaration does not so require.

"Yours as ever,

"A. LINCOLN."

There can, of course, be no doubt but that the leaders of the South knew exactly Mr. Lincoln's position on the great dominant question of the day. In fact, on December 22, 1860, Lincoln wrote Alexander H. Stevens, next to Jefferson Davis, the South's greatest champion and later its Vice President, as follows:

"Your obliging answer to my short note is just received, and for which please accept my thanks. I fully appreciate the present peril the country is in, and the weight of responsibility

on me. Do the people of the South really entertain fears that a Republican administration would, directly or indirectly, interfere with the slaves, or with them about the slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not an enemy, that there is no cause for such fears. The South would be in no more danger in this respect than it was in the days of Washington. I suppose, however, this does not meet the case. You think slavery is right and ought to be extended, while we think it is wrong, and ought to be restricted. That, I suppose, is the rub. It certainly is the only substantial difference between us.

"Yours very truly,

"A. LINCOLN."

And yet Dr. Scroggum says that Lincoln refused to make his position clear, and the Southern States were therefore compelled to withdraw from the Union. Let the impartial judge today, with passions long since cooled, decide this issue.

Did Lincoln plunge the country headlong into war? The records do not bear out any such charge. And the close of Lincoln's First Inaugural address is in itself a sufficient refutation.

"My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but good objection can be frustrated by it. Such of you as are now dissatisfied, still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust in the best way all our present difficulty.

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect and defend it.'

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may be strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and heart-stone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

Even after Fort Sumter had been fired on and the American flag had fallen in tatters to earth, Lincoln never ceased to avail himself of every opportunity to end the conflict, conditioned only on the preservation of the Union. In reply to the criticism that he was too tolerant of pro-slavery sentiments, Lincoln, on August 22, 1862, wrote Horace Greeley the following letter, remarkable for its poise and sanity, in the midst of public hysteria:

"I have just read yours of the 19th instant, addressed to myself through the New York Tribune, if there be in it any statement or assumptions of fact which I may know to be erroneous, I do not now and here controvert them. If there be in it any inferences which I may believe to be falsely drawn, I do not now and here argue against them. If there be perceptible in it an impatient and dictatorial tone, I waive it, in deference to an old friend whose heart I have always supposed to be right.

"As to the policy I 'seem to be pursuing,' as you say, I have not meant to leave any one in doubt.

"I would save the Union. I would save it in the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be the 'Union as it was.' If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; if I could save it by freeing all the slaves, I would do it, and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe that to correct errors when shown to be errors, and I shall adopt what I am doing hurts the cause; and I shall do more whenever I shall believe doing more will help the cause. I shall try new views so fast as they shall appear to be true views.

"I have here stated my purpose according to my view of official duty, and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.

"Yours,

"A. LINCOLN."

But notwithstanding Lincoln's efforts, all attempts at compromise failed. The House Committee of Thirty-three could not agree; the Senate Committee of Thirteen could not agree; the Crittenden compromise failed; the "Peace Convention" came to naught. They could not help but fail; the hour had struck; the conflict was indeed "irrepressible."

As the beloved "Marse" Henry Watterson, himself a Southern man and a Confederate soldier, has said:

"The War of Sections, inevitable to the conflict of Systems, but long delayed by the compromises of patriotism, did two things which surpass in importance and value all other things; it confirmed the Federal Union as a nation and it brought the American people to the fruition of their manhood.

"Before that war we were a huddle of petty sovereignties held together by a rope of sand; we were as a community of children playing at government. Hamilton felt it. Marshall feared it. Clay ignored it. Webster evaded it. Their passionate clinging to the Constitution and the Flag, bond and symbol of an imperfect if not tentative compact, confessed it. They were the intellectual progenitors of Abraham Lincoln. He became the incarnation of the brain and soul of the Union * * * In his homely, enlightening way, Lincoln declared that if he could preserve the Union, with slavery, he would do it, or, without slavery, he would do it, or with some free and other slaves, he would do that. The Proclamation of Emancipation was a war measure purely. He knew he had no Constitutional warrant and, true to his oath of office, he held back as long as he could; but so clear-sighted was his sense of justice, so empty his heart of rancor, that he wished and sought to qualify the rigor of the act by some measure of restitution, and so prepared the joint resolution to be passed by Congress appropriating four hundred millions for this purpose, which still stands in his own handwriting.

He was himself a Southern man. All his people were Southerners. "If slavery be not wrong," he said, "nothing is wrong," echoing in this the opinions of most of the Virginia gentlemen of the Eighteenth Century and voicing the sentiments of thousands of brave men who wore the Confederate grey * * * It was the will of God that there should be, as God's own prophet had promised, 'a new birth of freedom,' and this could only be reached by the obliteration of the very idea of slavery. God struck Lincoln down in the moment of his triumph, to attain it; He blighted the South to attain it. But He did attain it. And here we are this night to attest it. God's will be done on earth as it is done in Heaven. But let no Southern man point finger at me because I canonize Abraham Lincoln, for he was the one friend we had at court when friends were most in need; he was the one man in power who wanted to preserve us intact, to save us from the wolves of passion and plunder that stood at our door."

Dr. Scrugham concludes her arraignment of Lincoln with the admonition to the Daughters of the Confederacy that their "work will not be completed until they have convinced the world that the Greek memorial to Lincoln in Washington is dedicated to the wrong man!" As a Democrat, who expects to remain so all his life-long, and whose ancestors, without exception, espoused the Southern cause, the life of one going out in a faded, gray jacket, I may be permitted to express the opinion that the Daughters of the Confederacy will attempt no such

thing. They have other and much nobler work to do. No heritage is so rich as theirs. There is the dedication of the monument to Jefferson Davis on the soil of his native Kentucky, in which all Americans should, and do, take pride. There are valorous deeds of the matchless Lee, the saintly Jackson, the gallant and lamented Albert Sidney Johnson, the gifted Breckinridge, and others which ought to be, and will be, perpetuated for a united prosperity in memorials that never die. There is honor enough for everybody, without robbing the nation's "man of sorrows." But the Lincoln memorial I think is safe. It has about it an illustrious guard of honor. From the heights across the sluggish Potomac, watch the spirits of those heroes of San Juan Hill, Chateau Thierry, and other fields of glory who lie "row on row" under the green sod of the national cemetery at Arlington. The boys from "Dixie" are there—the sons and grandsons of many Daughters of the Confederacy—gone back to dust in the flag that Lincoln loved. Will Abraham Lincoln, after all these years, be repudiated by his countrymen? Not until the fundamental virtues, honor, gratitude and patriotism shall have passed away. Until that day his fame is secure as he stands, the central figure of that immortal Triumvirate—Washington—Lincoln—Wilson.

WILLIAM H. TOWNSEND.

DR. SCRUGHAM'S REJOINDER.

Editor, Lexington Herald:

Attorney William H. Townsend's able brief in behalf of Abraham Lincoln and of Force as the basis of the American Union is very interesting as a reply to my address before the Daughters of the Confederacy, which was in no sense a brief. I neither held nor do I hold a brief for any candidate in the election of 1860. Most emphatically, I deny that my address before the Daughters of the Confederacy was in any sense a personal criticism of any candidate in that election; it was merely a short summary of the outstanding facts in 1860-1861 which I presented at Columbia University, with the result that a unanimous verdict was rendered by the jury of experts that I had very acceptably defended as an authentic statement of fact the book entitled "The Peaceable Americans of 1860-1861," which was the outcome of long years of painstaking and extended research. The book was then published as one of the Columbia University studies in history, economics and public law edited by that distinguished political science faculty of Columbia University, in the city of New York, which lies north of the Mason-Dixon line. So much for its claims for admittance to the court of a general serious consideration.

Three-fifths of the American people did vote against Abraham Lincoln in 1860 and the two-fifths that voted for him did live in one section of the Union. This was and still is an unprecedented procedure. It has happened neither before nor since. The election, though in accord with the letter of the law, was obviously a violation of the principle on which free government is based. Inherently, government of,

by and for the people is a government based on the consent of the North and the South, the East and the West alike, and not just on the consent of the the North. It is conceded that the spirit of the law is of more importance than the letter of the law. Nobody questioned the letter of the law. It was the spirit of the law which was violated in the sectional minority election of 1860.

There can be no doubt that the southern people did distrust Lincoln, who indicates in his letter to Alexander H. Stephens (quoted by Attorney Townsend in his brief) that he realized that a distrust of his administration existed in the South even though he, himself, assured Stephens that there was no cause in his opinion for it to exist. There is a difference of opinion now as then in regard to whether the southerners ought to have distrusted Lincoln. But the fact remains that the southern people, including Henry Watterson, who later professed confidence, did not exhibit such confidence between 1860-1865. It is not what people ought to think, nor yet what others think they ought to have thought, that concerns statesmen; because it is with what people actually do think that statesmen must deal in order to prevent war.

And now as to the tangible reasons for this manifest southern lack of confidence in Lincoln. They, like Attorney Townsend, did not quote or perhaps read all of Lincoln's remarks on the subject in the Fort Leavenworth address. At any rate, they and Attorney Townsend did not get the same meaning from the address. Lincoln was reported to have said in that address that if the Republican candidate was elected president and the southerners tried to do anything about it, they would get what John Brown got. It was this particular part of the Fort Leavenworth address—not its milder portions—which the Illinois State Journal, edited by Lincoln's nephew and accepted as an authority on Lincoln's views, announced as the official policy of the president-elect on November 14, 1860. However, Lincoln found it inexpedient to hang the people of the seceding states. After the war between the states began in earnest and the process of treating the southern prisoners of war as "traitors" was undertaken, the government of the southern Confederacy immediately announced that it would pursue a similar policy toward the northern prisoners of war; and then the hangings Lincoln scheduled in the Fort Leavenworth speech did not take place.

It was on account of just such misunderstandings and misinterpretations as this which Attorney Townsend has fallen into that the Kentuckians of 1861 insisted that ample time be given the American people to get all the facts. Therefore, they requested the summoning of a great national constitutional convention like that of 1787 which had drafted the Constitution of the United States. They held that no appeal to arms was necessary to settle such a misunderstanding. What was needed was an unbiased appeal to facts.

Seemingly, Lincoln at first agreed with the Kentuckians. However, the closing of Lincoln's first inaugural address, which is quoted by Attorney Townsend in his brief, was inserted in that address at the suggestion of William H. Seward, who really preferred a peaceful solu-

tion of the misunderstanding and who was willing to accept the responsibility for such a termination of "the irrepressible conflict" which he had been the first to announce in 1858 and which Lincoln took up in milder form in the famous "house-divided" speech of the same year. That peaceful closing to the first inaugural was Seward's idea, not Lincoln's. Perhaps Seward felt that since he himself had been the author of the "irrepressible conflict" phrase he had a right to insist that the conflict end peacefully. Judging from the closing of Lincoln's first inaugural address, Douglas and the vast majority of the American people must have hoped for a peaceful settlement of the misunderstanding. They must have hoped that Lincoln fully intended to take immediate steps to summon a national constitutional convention with a peaceful perpetuation of the Union as the clear-cut paramount issue. Instead, Lincoln issued a summons for 75,000 troops to put down the "insurrection of the South." Force is force and the mailed fist is the mailed fist, whether it is raised on the fields of Flanders, by the streams of Ireland, or on a march through Georgia.

This call for 75,000 troops brought on the secession of Virginia and Robert E. Lee, North Carolina, Tennessee and Arkansas, whose wavering confidence in Lincoln was utterly wrecked by this act. It was considered an act of despotism. A despotism is a government based on force. And the despot referred to in "Maryland," My Maryland," is no other than Abraham Lincoln. The "Sic semper tyrannis" which Booth shrieked as he fired the shot which ended Lincoln's life interested Matthew Arnold, who refused to classify Lincoln even as a man of distinction. At any rate, Lincoln's appeal to armed force rather than to a constitutional convention constituted for the southern people a definite act of despotism. It confirmed the southern people in their belief that a John Brown sympathizer had been elected president of the whole United States by a northern majority. Many of them looked upon the war that followed as a huge John Brown raid into the South and felt thoroughly convinced that their interpretation of the Fort Leavenworth address, i. e., that Lincoln had more sympathy for John Brown than for the white people of the southern states, was entirely justifiable. If there is any discrepancy between acts and words, common sense requires that a person be judged by his acts rather than by his words. If a man announces his intention to murder some one and does not murder him, it is no very serious matter; but if a man actually does murder someone without announcing any intention beforehand of so acting, the serious fact remains that murder has been committed. Under such circumstances, the question is on whether the murder was premeditated or not.

As to the editor of the Louisville Journal being "hostile" to Lincoln; The fact is that Prentice, the entire state of Kentucky (including John C. Breckinridge) and a vast majority of the American people favored a peaceful perpetuation of the Union. Prentice, whose paper had a wide circulation, both in the North and in the South, stood

ready to do all in his power to allay the spread of secession in the South, and, quite regardless of Lincoln's shrewd failure to assist him, did succeed, by proclaiming the policy of armed neutrality, in delaying until it was too late for the decision of Kentucky to be rendered except in the presence of the so-called "Lincoln guns." Prentice did as much in his own way to save the Union as America did to win the World War. For, Kentucky's secession and full support of southern rights might well have brought victory to the Confederate armies in the long exhausting, hard-fought war, and thus the separation of the Union would have been sealed in blood.

The day has surely passed when any man or set of men can with glory take steps which from their very nature must unleash the dogs of war and bring death and untold horror to millions of people. The World War has established that a full, free and fair discussion of any difficulty must precede an appeal to arms. No personal, political advantage should ever be allowed to stand in the way of a peaceful and a statesmanlike solution of a difficulty or misunderstanding which involves the lives and happiness of millions of men, women and children. Such a conclusion is purely a matter of good common sense.

Again let me state that I hold no brief for any candidate in the election of 1860 and that I have no personal criticism to make of any candidate in that election. However, I believe that the time has arrived when the nations of the world should profit from the experience of the past. But that experience must not be taken solely from a brief for either side in the controversy of other days, but from an unbiased examination and consideration of the outstanding facts of the time.

In full view of the facts in the case in 1861, candid, impartial posterity will doubtless decide that Henry Clay, not Abraham Lincoln, deserves a Greek memorial on the Potomac; for it was Clay, not Lincoln, who fully carried out the Greek ideal of undertaking no policy without a full and fair discussion; and it was Clay, not Lincoln, who three times laid his occupancy of the White House on the altar of a peaceful preservation of the Union based on the common consent of the North and the South, the East and the West alike. However, Clay really needs no such monument. for, the great American Union based on consent and not on force is, we trust, a much more lasting memorial than any built of marble, because it is a living memorial to his wisdom and understanding. "Doth not wisdom cry and understanding put forth her voice, by me princes rule and nobles even all the judges of the earth."

That Clay's immortal service to free government and the peaceful organization of the world is not now generally appreciated can not alter the fact fact that he unhesitatingly and unselfishly rendered it. The Great Commoner, the Great Peacemaker, the Great Unionist, the Great Internationalist (who, with the origination of the Monroe Doctrine idea, laid the first firm foundation for the emancipation of the world from war) requires no defense, for by his mortal act he created no mortal enemies. That which a man sows that shall he reap, and the united

American people, from Maine to Texas, from Oregon to Florida, "weaving the laurel wreath with common hand did bind it about his venerable brow and send him crowned to history."

MARY SCRUGHAM.

MR. TOWNSEND AGAIN.

To the Editor of the Lexington Herald:

Your paper last Sunday contained Dr. Mary Scrugham's rebuttal to the evidence offered by me in defense of Abraham Lincoln, against whom she had lodged certain specific charges in a previous article. Allow me briefly to analyze this reply before the case is submitted for final judgment at the bar of public opinion.

The indictment charged, in substance, that Lincoln was a usurper and "never President of the American Union." The doctor now admits that Lincoln was elected according to the "letter of the law." This law was, of course, the organic law, which is the Constitution. If elected under the Constitution, ratified by all the states, it is apparent under her own admission that, as to the charge, she was in error.

The indictment further alleges that Lincoln "refused to give the southern people satisfaction as to where he stood in 1861." In my answer I did not rely on mere assertion but quoted letter after letter, speech after speech in refutation of this charge, and now, on this point, the doctor offers no evidence in rebuttal but admits with some reluctance that "there is a difference of opinion as to whether the southerners ought to have distrusted Lincoln."

The indictment also charged that Lincoln had "spoken favorably" of John Brown at Leavenworth, Kansas. My answer denied that this was true either then or at all, there or elsewhere, and quoted every word of Lincoln's expressed attitude toward John Brown uttered on that occasion. The doctor in her reply now shifts ground, admits, again, with some reluctance, that what Lincoln said about Brown was "mild," but says that Lincoln indicated in this speech that he was against the southern people. I have before me the text of Lincoln's two addresses in Kansas certified by the Kansas Historical Society. On December 1, 1859, Lincoln spoke at Elwood, Kansas, and his remarks are reported in the Elwood Free Press; he spoke at Leavenworth on December 7 and this speech is reported in the Leavenworth Register. If the doctor has any more complete or authentic data than this, I shall be glad to see it and so will the Kansas Historical Society. Both of these addresses reflect Lincoln's own kind and conciliatory spirit, his extraordinary sense of what was fair and just. He denounced John Brown in terms that no person not blinded in prejudice could mistake. He warns the Abolitionists of Kansas not to molest the slaves owned by persons living across the line in Missouri; urges them to live on friendly terms with their neighbors, and in response to an insolent threat made apparently by a heckler in the audience to "break up the Union" if a "Black Republican" is elected, he replies that any attempt

to "break up the Union" because of a Constitutional and legal election would be treason and punished as such. Nowhere, at no time, did he speak favorably of John Brown, which is what Dr. Scrugham originally claimed, and nowhere did he indicate by word or deed that he was hostile to the South. The foregoing is absolutely the whole of what Lincoln said or did on the Kansas trip.

But Dr. Scrugham in support of her shifted charge that the Leavenworth speech indicated that Lincoln was an enemy of the southern people, cites the rankest "hearsay" evidence. Certainly she has been much imposed upon by the authority on which she relies. The doctor says that "Lincoln's nephew," editor of the Illinois State Journal, said that Lincoln was reported to have said so and so at Leavenworth and that "Lincoln's nephew" was his "official spokesman." The main trouble with this evidence is that Lincoln never had a nephew! If the Columbia University "jury," referred to in the rebuttal, in "unanimously" approving Dr. Scrugham's "Peaceable Americans," based its verdict in any degree on the testimony of "Lincoln's nephew" or like data, then a motion for new trial on the grounds of "newly discovered" evidence is in order.

Lincoln in his brief autobiography written in 1860, says: "The present subject has no brother or sister of the whole or half blood. He had a sister older than himself who was grown and married but died many years ago leaving no child; also a brother younger than himself who died in infancy." Thomas Lincoln and Nancy Hanks had only three children: Sarah, born February 10, 1807, married to Aaron Grigsby, died without issue May 20, 1828, and is buried at Old Pigeon church, Spencer county, Indiana, where the writer visited her grave last summer; Thomas, born in 1811, died a few days later and is buried in an unmarked grave somewhere along the bluffs of Knob Creek, Larue county, Kentucky; and Abraham, born February 12, 1809, and, on the night of April 14, 1865, shot in the back of the head and killed by a "peaceable American," whose act of cowardly assassination, denounced by the South, Dr. Scrugham comments on, if not with approval, certainly, without condemnation. I am, therefore, quite willing to submit the issue of whether Lincoln was an enemy of the South, with his own words, which I have quoted in a former article, on my side, against the "hearsay" testimony of a mythical relative on the other. Furthermore, I have just been informed by the Illinois Historical Library and the Illinois State Journal itself that no relative of Abraham Lincoln was ever editor of the Illinois State Journal. On November 14, 1860, the date referred to by Dr. Scrugham, the records show that W. H. Bailhache, whose father was a lifelong friend of Henry Clay, and Edward L. Baker were the editors of this newspaper, and Lincoln's own correspondence unmistakably indicates that he had no "spokesman" official or otherwise.

Dr. Scrugham closes her reply with a eulogy of Henry Clay. From her praise of the ability, the wisdom and the patriotism of Kentucky's greatest orator and statesman no friend of Lincoln will dissent. But

it is difficult to see how a case can be made out against Lincoln with Henry Clay. The doctor says that Lincoln was an enemy to the principles of Henry Clay. It is unfortunate that the citizens of Illinois did not know this when, upon Clay's death, they selected Lincoln out of thousands of Clay's friends to deliver a memorial address in the State House at Springfield on July 16, 1852. Lincoln had lived among them in intimate association for many years; they had heard all his political utterances, both private and public, but no one seemed to know that Lincoln was Clay's enemy, unless it was "Lincoln's nephew" and he, on that occasion at least, remained silent and "didn't tell nobody nothing."

In the memorial address, Lincoln quoted another exquisite eulogy on Clay from a journal that had politically opposed him, saying that he did so "partly because such high and exclusive eulogy, originating with a political friend, might offend good taste, but chiefly because I could not in any language of my own so well express my thoughts." He then reviewed the dead statesman's attitude on slavery and said that Clay was opposed to both extremes, "that the very earliest and one of the latest public efforts of his life, separated by a period of more than fifty years, were both made in favor of gradual emancipation. He did not perceive that on a question of human right the negroes were to be excluded from the human race." Lincoln closed his remarks in the following words: "But Henry Clay is dead His long, eventful life is closed. Our country is prosperous and powerful; but could it have been quite all it has been, and is, and is to be, without Henry Clay? Such a man the times have demanded and such in the Providence of God was given us. But he is gone. Let us strive to deserve, as far as mortals may, the continued care of Divine Providence trusting that in future national emergencies He will not fail to provide us the instruments of safety and security." Certainly the address itself contains no hint of that which the doctor now asserts.

A few months ago it was my privilege to examine a famous private collection of Lincolniana. In this collection was a large leather-bound book, battered and worn. On almost every page were marked passages and marginal notations in writing, precise and familiar. The leaves and cover were stained with thumb prints and the sweat of Lincoln's callous hands. The faded title read, "The Life and Speeches of Henry Clay." It was the original copy which Lincoln had used in his debates with Douglas—a mute but eloquent testimonial as to who was fighting Clay's battles long after he had been laid under the spreading oaks of the Lexington cemetery.

Dr. Scrugham praises Clay for his compromise of 1850. One would infer that he did this at the special request of the "peaceable Americans." But this does not seem to have been so. One would think that there was rejoicing among them when it became known that Clay was gathering his waning strength for a final effort to save his distracted country. But it does not seem to have been so.

In December, 1848, Alexander H. Stephens, later Vice President of the Confederacy, wrote Governor Crittenden, of Kentucky, concern-

ing the probable election of Clay to the Senate: "That ought to be averted if it can be done; more danger to the success of General Taylor's administration is to be dreaded from this source than from all others." And Jefferson Davis, later President of the Confederacy, wrote Governor Crittenden in January, 1849: "I regret exceedingly to see that Mr. Clay is to return to the Senate. Among many reasons is one in which I know you will sympathize—the evil influence he will have on the friends of General Taylor in the two houses of Congress."

And when Clay brought forward and introduced his compromise resolutions, which Dr. Scrugham so highly endorses, who were among the first to denounce it? That "peaceable American," John C. Calhoun, patron saint of Nullification, followed by Senators Davis, Butler, Mason and others, backed by the emphatic rejection of the Nashville convention. But the old gladiator was a match for them all. Of his speech in support of his compromise a biographer says:

"He severely censured the Abolitionists as restless agitators and denounced the Southern fire-eaters for their disunion tendencies reflecting especially upon a member of the Nashville convention, Rhett of South Carolina, who, after his return to Charleston, had in a public meeting openly proposed to hoist the standard of secession. When Clay had finished his appeal for peace and union, Barnwell of South Carolina, Calhoun's successor, rose and declared his dissatisfaction with Clay's remarks, 'not a little disrespectful to a friend' whom he held very dear, and upon whose character he then proceeded to pronounce a warm eulogy, intimating that the opinion held and expressed by Mr. Rhett might possibly be those of South Carolina. Clay was quickly upon his feet: 'Mr. President,' he replied, 'I said nothing with respect to the character of Mr. Rhett. I know him personally and have some respect for him. But, if he pronounced the sentiment attributed to him of raising the standard of disunion and of resistance to the common government, whatever he has been, if he follows up that declaration by corresponding overt acts,' the old man's eyes flashed and his voice rang out in a thundering peal, 'he will be a traitor, and I hope he will meet the fate of a traitor.'"

This statement of Clay may be found in appendix volume 22, part 2, page 1414, Congressional Globe.

And yet Dr. Scrugham condemns Lincoln for saying to the Leavenworth heckler what Clay had said in more emphatic form ten years before. She condemns the old murderer, John Brown, who should be and was by Lincoln condemned, while she and Matthew Arnold are "interested" in the assassin Booth, although the only difference between them is that Brown stood his ground, like the crazy old fanatic he was, while Booth fled, like the miserable coward he was and hid in a barn, after Dr. Richard Stewart, an active Confederate sympathizer, had indignantly refused him succor.

Further on in this last great effort of his life, Clay said: (Appendix 22, part 2, pages 1486-91 Congressional Globe.):

"Mr. President, I have said that I want to know whether we are bound together by a rope of sand or an effective, capable government, competent to enforce the powers therein vested by the Constitution of the United States. And what is this doctrine of Nullification, set up again, revised, resuscitated, neither enlarged nor improved, nor expanded in this new edition of it, that when a single state shall undertake to say that a law passed by the 29 states is unconstitutional and void, she may raise the standard of resistance and defy the 29. Sir, I denied that doctrine 20 years ago—I deny it now—I will die denying it. There is no such principle * * * The honorable Senator speaks of Virginia being my country This union is my country. The 30 states is my country. Kentucky is my country. And Virginia no more than any of the other states of this Union. She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own state—if my own state, contrary to her duty, should raise the standard of disunion against the residue of the union, I would go against her, I would go against Kentucky in that contingency as much as I love her * * * Nor am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. If blood is to be spilt, by whose fault is it to be spilt? Upon the supposition, I maintain it will be the fault of those who raise the standard of disunion and endeavor to prostrate this government, and, Sir, when that is done, so long as it please God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the power of this Union."

When finally Lincoln, in the last extremity, called for troops, Fort Sumter had surrendered and the Stars and Stripes had been hauled down under hostile fire. "The standard of disunion had been raised," and he called them, as Clay had said he would do, to "the support of the general authority and for the maintenance of the power of this Union." It is therefore apparent that, if Dr. Scruham seeks to disparage Lincoln by a comparison of his political principles with those of Clay, she is not particularly happy in her choice of instrumentality.

The Civil War has been over almost sixty years. The heroic sacrifice of North and South is the common heritage of us all "With malice toward none, with charity for all," Lincoln said in that touching prose poem, the second inaugural address. No friend of Lincoln would pluck a flower from the wreath that encircles the brow of the Southern soldier. No one admired him more than Lincoln himself. On the last day of his life, looking at a portrait of General Lee, he said: "It is the face of a noble, brave man. I am glad the war is over at last." And on another occasion he had said of Stonewall Jackson: "He is brave, honest, Presbyterian soldier. What a pity that we should have to fight such a gallant fellow." Lincoln and Lee and Jackson and Breckinridge have passed on. They are immortal now. The screen has rolled away. They know the truth at least. All honor to all of

them always. Posterity is not concerned with academic discussions of who was right and who was wrong, or whether both were partly wrong and both partly right. It is interested only in the mighty deeds of these heroes who, as Lincoln said at Cooper Institute, dared to do their duty as they understand it. Out of the travail of the past, has been born a Union, inseparable and indestructible, sacred alike to North and South, East and West, and any attempt at this later day to disturb the harmony of the states, the peace of the nation, the tranquility of its citizens, by resurrecting old controversies, the buried bitterness of sectional strife, long forgiven and forgotten, is a futile task that is as un-American as in its folly it is unfortunate.

WILLIAM H. TOWNSEND.

THE FINAL WORD

Editor, Lexington Herald:

Attorney William H. Townsend's hero-worship of Abraham Lincoln is highly entertaining. Doubtless Lincoln has a number of such worshipers in the United States. It is most remarkable and astonishing to what lengths this hero-worship carries them. Some of them compare Lincoln to the Christ. Nevertheless, Lincoln was a man and not a god; this is a matter of fact. I regret that the "tranquility" of any of his worshipers should be disturbed by reading a set of facts which is not in accord with their previous notions—for the instinct of hero-worship is in itself a good instinct. Of course, I am surprised at the lengths to which Attorney Townsend's hero-worship carries him. He seems to feel that the fact of Lincoln's attempting to carry out a policy (which he announced in a speech at Fort Leavenworth) of treating the southern objectors like John Brown was treated, hinges on whether the editor of the Illinois State Journal was Lincoln's own nephew-in-law of some degree. The fact is, one of the editors of the Illinois State Journal was referred to in 1860 as Lincoln's nephew. It is customary to refer either to an own nephew or to a nephew-in-law as a "nephew." I have paid no attention to this "nephew's" degree of nephewhood, for it is immaterial. If Attorney Townsend rests his "defense" of Lincoln on such a point as this, he could get no jury—not even a jury composed of the most rabid Lincoln-worshipers—to render a verdict in his favor; for, the nephew's degree of relationship does not alter in the least the fact that his paper, the Illinois State Journal, was regarded as good authority on Lincoln's official position; and evidently with good reason, for this was the policy which Lincoln actually proceeded to attempt to put into effect when he called for 75,000 troops to put down the "insurrection of the South."

Doubtless Attorney Townsend's hero-worship causes him to harbor the illusion that I have "indicted" Lincoln; that I have called Lincoln a "usurper," etc., etc., etc. As a matter of fact, I have merely made a brief summary of the outstanding facts of 1860-1861 in the hope that

posterity might profit by the experience of the past. In the Gettysburg address, Lincoln seemed to have on his mind when he said "The world will little note nor long remember what we say here, but it can never forget what they did here" that there was a distinct difference between "saying" and "doing." To pronounce Lincoln a follower of Clay in 1860 is like proclaiming that "saying" and "doing" are the same; that black and white are identical; that a horse chestnut is a chestnut horse. Clay stood like the Rock of Gibraltar for the Union based on the common consent of the North and the South, the East and the West alike. Lincoln definitely abrogated this great American principle by calling for 75,000 troops to put down the insurrection of the south instead of taking steps to summon a National Constitutional Convention. He was asked to lay the Republican party "on the altar of his country." Historians who neglect to mention the certain death of the Republican party in case a National Constitutional Convention was called at this period of the nation's life, behave with the negligence of a cook, who in giving a recipe for apple pie, omits mentioning the apples. Lincoln stood for a sectional extreme; Clay stood for the national mean, regardless of his own, or his party, political fortunes.

Lincoln's actual abrogation of the principle of "common consent," as distinct from his verbal abrogation, brought on the secession of Virginia and Robert E. Lee, North Carolina, Tennessee and Arkansas. Virginia was not a South Carolina; but the John Brown raid had taken place in Virginia; John Brown was hanged in Virginia; and Virginia rose against the fate of John Brown being awarded the southern obsequies by the representative of a northern minority. The home state of Madison, Jefferson, Marshall and Washington was wrong, if Lincoln was right in calling for 75,000 troops to carry out his Fort Leavenworth speech policy of treating the southerners as traitors. In either case, right or wrong, Virginia whose motto is "Sic semper tyrannis" deserves the honors due the bravest of the brave. For, in the event she lost the war she was to meet the fate of John Brown and meet it first, for Virginia is right up next to the headquarters of the federal government. But as we have previously explained, the hangings scheduled in the Fort Leavenworth speech did not take place.

The South held that the basis of the Union was "consent" not "force." Secession was merely a tool by which they hoped to sustain this principle. Secession did not prove a good tool but the principle for which the South fought (and which the North really had no intention of denying the South) was sustained. It is still held that government in the United States should be based on the "consent of the governed," Lincoln in the Cooper Union and the Fort Leavenworth speeches to the contrary notwithstanding. It seems entirely correct to say that the South did well to challenge the abrogation of the principle of "common consent." In a way the South won the Civil War for the principle was not permanently abrogated. It should not have been necessary to fight to re-establish it for the principle had already been established by the Revolutionary War and the adoption of the Consti-

tution of the United States. It had been consistently and successfully maintained by Henry Clay as the basis of the American Union for the life time of a generation. And, in view of the opinion of the great majority of American people in 1860 who had no idea of abrogating it, it does not appear that "a second birth of freedom" was entirely necessary. Apparently Attorney Townsend harbors notions about these facts which make them appear to him as clear as mud.

It is a grave error to classify Lincoln and Clay as belonging to the same class. The difference between Lincoln and Clay is "broad, distinct, and undeniable" for it is the difference between War and Peace. The boys who fought in the trenches will testify that this is no academic difference. According to George D. Prentice, the great Whig editor, there was not a single Black Republican spot or blot on the shining record of Henry Clay. In the "white light of peace" the difference between Lincoln and Clay can "neither be erased nor obscured. There it is and all the floods of fanaticism cannot wash it out nor all the webs of sophistry disguise it." It is impossible to "fool all of the people all of the time" on a matter of the difference between "force" and "consent;" on a matter of the difference between "War" and "Peace"; on a matter of difference between Lincoln and Clay. Lincoln does not deserve his own laurels and also the laurels of Henry Clay. Lincoln's worshipers are over-ambitious about laurels for their hero. I trust that the majority of the American people will never consider it folly to endeavor to profit by the experience of the past. Experience is a hard school. Even a burned child dreads the fire. Lincoln, himself, was willing to learn by experience; he, himself, said that the presidency was his first great case misunderstood. Would that his fanatical worshipers had the grace to exhibit an equal amount of understanding. Undoubtedly, such an exhibition would contribute to the peace and good will of the world as well as to the gayety of nations.

MARY SCRUGHAM.