

**COPPERHEADS: THE RISE AND FALL OF LINCOLN'S  
OPONENTS IN THE NORTH<sup>1</sup>**

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*Upon thy belly shalt thou go, and dust shalt thou eat all the day of thy  
life.*<sup>3</sup>

During the Civil War, President Lincoln's political foes may have threatened the Union almost as much as the military forces of the Confederacy. Democratic opponents of his war policies, so-called Peace Democrats, did not necessarily wish to see the Union divided by secession, but they opposed the effort to maintain the Union by force. Their opposition gave hope to Confederates, discouraged enlistment in the North, and incited active defiance of the federal government, thereby hindering the war effort. Or so argues Jennifer Weber in *Copperheads: The Rise and Fall of Lincoln's Opponents in the North*, her fine and comprehensive analysis of the subject. Despite some minor shortcomings, I recommend *Copperheads* to anyone seeking an overview of domestic political opposition in the North during the Civil War.

Weber makes four primary points in this book. First, antiwar sentiment was not a "peripheral issue" during the war, contrary to the beliefs of many historians. Instead, antiwar sentiment was substantial and almost allowed Peace Democrats, commonly known as Copperheads, to take over the Democratic Party.<sup>4</sup> Second, pervasive disagreement over the war divided towns and counties throughout the Union, at times erupting into violence.<sup>5</sup> Third, antiwar activity "damaged the army's ability to conduct the conflict efficiently."<sup>6</sup> Last, Weber argues that Union Soldiers were progressively politicized during the war and that their support of President Lincoln was critical to the ultimate victory of the Union.<sup>7</sup>

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<sup>1</sup> JENNIFER L. WEBER, *COPPERHEADS: THE RISE AND FALL OF LINCOLN'S OPPONENTS IN THE NORTH* (2006).

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<sup>3</sup> WEBER, *supra* note 1, at 3 (quoting *Genesis* 3:14).

<sup>4</sup> *Id.* at 1-2.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

Weber clearly and succinctly describes the conduct and influence of the Peace Democrats over the course of the war, always mindful of the military developments that formed their backdrop. She demonstrates how a group that had great influence at times ultimately fell into disgrace and was viewed by many as traitorous. Though most Copperheads probably did not support secession, the inverse relationship between the political fortunes of the Copperheads and the success of Union armies led somewhat inevitably to suspicion of their motives. The term Copperheads, in fact, was first applied to them by a critic likening them to the serpent in the Garden of Eden.<sup>8</sup> Copperheads co-opted the term, however, based on its alternate slang usage referring to coins bearing the likeness of Lady Liberty.<sup>9</sup>

One of the strengths of *Copperheads* lies in Weber's description of the disparate groups that coalesced into Peace Democrats and the development of antiwar sentiment. She divides the growth of the Copperhead movement into three phases corresponding with the following events or time periods: secession, the Emancipation Proclamation and the adoption of conscription, and the onset of simple war weariness in the North.<sup>10</sup> Some opposed the war from the beginning because they believed that the Southern states had a right to secede. The Constitution, after all, did not forbid it.<sup>11</sup> Others joined the ranks of the Peace Democrats after the issuance of the Emancipation Proclamation in the fall of 1862 and the initiation of conscription the following spring. According to Weber, "[d]eeply racist Democrats who had supported the war when its only purpose was maintaining the Union jumped to the opposition when the confrontation became an effort to free the slaves. . . . Others, already worried by growing government power, drew the line at the draft, which was the most coercive measure Lincoln had adopted to that point."<sup>12</sup> The third and last wave of antiwar sentiment corresponded to pessimism wrought by the war's enormous human and materiel cost. This pessimism peaked in the summer of 1864, prior to a string of military successes that dramatically reversed public sentiment.<sup>13</sup>

Most of the Copperheads who belonged to the first two phases described by Weber were motivated by a combination of legal and

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 7–8.

<sup>11</sup> *Id.* at 7.

<sup>12</sup> *Id.* at 8.

<sup>13</sup> *Id.*

political principles, racism, and self-interest. From the beginning, many Democrats were upset at President Lincoln's assumption of broad powers to suppress the rebellion.<sup>14</sup> Following the commencement of hostilities at Fort Sumter, President Lincoln proclaimed a state of war, called up troops to fight the war, started spending money to fight the war, and suspended habeas corpus in some parts of the country.<sup>15</sup> Later, critics were outraged when a Union general ordered the arrest and trial by military commission of former Congressman Clement Laird Vallandigham, a highly prominent Copperhead, for treason. This provoked a storm of criticism against the administration for "suppressing free speech and freedom of the press, suspending habeas corpus, barring trial by a civilian jury, and denying the supremacy of civil law over military justice."<sup>16</sup> Lincoln replied that "certain actions that would not otherwise be constitutional became legitimate under the extraordinary circumstances of rebellion . . . ."<sup>17</sup>

In addition to such apparently honest grounds for disagreement with President Lincoln's policies, many Copperheads had baser motives. Racists did not want to expend blood and treasure for the benefit of Black people, and many actually felt deceived by the President when emancipation became an express goal of the war. An Ohio Congressman informed the House of Representatives that Northwesterners were under the impression that "they have been deliberately deceived into this war . . . under the pretense that war was to be for the Union and the Constitution, when, in fact, it was to be an armed crusade for the abolition of slavery."<sup>18</sup> Some harbored a visceral fear of miscegenation, or mixing of the races, that they believed would result from emancipation.<sup>19</sup> Many men of military age who opposed conscription were presumably motivated solely by their desire to avoid service in the Army.<sup>20</sup>

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<sup>14</sup> *Id.* at 32–33.

<sup>15</sup> *Id.* at 30–31.

<sup>16</sup> *Id.* at 97; *see also id.* at 149 (describing a trial by military commission of Harrison H. Dodd, who was convicted of planning to liberate Confederate prisoners in Indianapolis and start an insurrection).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 80.

<sup>19</sup> *Id.* at 161.

<sup>20</sup> *Id.* at 107–11. Draft riots broke out in New York City in July 1863, largely instigated by the city's lower and working classes who feared both conscription and the emancipation of Black people, which they perceived as a threat to their employment and economic status. For an example of the political risks attendant to conscription in

Antiwar sentiment was at its height in the summer preceding the presidential election of November 1864. The groups described above combined with those weary of the appalling and seemingly endless casualties that showed no sign of abatement.<sup>21</sup> Peace Democrats succeeded in drafting the platform of the Democratic Party and placing one of their own on the Democratic ticket as the vice-presidential candidate.<sup>22</sup> The presidential candidate was George B. McClellan, a War Democrat who supported the war on the basis of maintaining the Union. Though the Copperheads did not constitute a majority of the Democratic Party, "Democratic leaders could not afford to ignore them or offend the peace wing [of the Party] . . . ."<sup>23</sup>

However, Union battlefield successes extinguished Democratic chances in the presidential election of 1864. In particular, General Sherman's capture of Atlanta increased the public's confidence in President Lincoln's policies. Union Soldiers, moreover, formed a significant block of support for the President. In addition to their significant number of votes, Soldiers had a substantial, if hard to measure, influence on the civilian community.<sup>24</sup> Union Soldiers, even those who may have been Democrats when the war started, gradually shifted their allegiance to President Lincoln and the Republicans as the war continued. For the most part, they perceived antiwar criticism at home as a betrayal of the sacrifices they had made to preserve the Union. Many Soldiers who were initially unsympathetic to Black people and hostile to abolitionism warmed to emancipation, either because they recognized its utility to the war effort or because their perspective on slavery changed when they traveled into the South.<sup>25</sup> This politicization of Soldiers provided President Lincoln a formidable base of support for his war policies when the election came.

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another conflict, see NORMAN PODHORETZ, *WHY WE WERE IN VIETNAM* 79 (Touchstone 1983) (1982), noting President Johnson's reluctance to expand the draft in 1965.

<sup>21</sup> WEBER, *supra* note 1, at 141 (describing people who changed their position on the war based on "headlines" as "fickle.").

<sup>22</sup> *Id.* at 169.

<sup>23</sup> *Id.* at 168; see SHELBY FOOTE, *THE CIVIL WAR, A NARRATIVE: RED RIVER TO APPOMATTOX* 551 (1974). President Lincoln recognized that the Peace Democrats and War Democrats were bound to arrive at a compromise regarding the platform and candidate, with the predictable result that the "platform and man were likely to be mismatched," either yielding a peace platform and pro-war candidate, or vice versa. FOOTE, *supra*, at 551.

<sup>24</sup> See WEBER, *supra* note 1, at 196.

<sup>25</sup> *Id.* at 101.

Ultimately, Weber concludes that the Copperheads failed for three reasons. First, they were disorganized.<sup>26</sup> Second, their policies were essentially obstructionist. While they opposed Lincoln's policies at every turn, they offered little in the way of a realistic program of their own.<sup>27</sup> They said they wanted peace, but most were not prepared to concede independence to the South and they seemed oblivious to Confederate insistence on that point.<sup>28</sup> Copperheads often summarized their position as "the Union as it was, the Constitution as it is," which amounted to little more than a vague prescription for returning to the status quo before the war without resolving the issues that caused it.<sup>29</sup> Third, the increasing hostility of Soldiers to the Copperhead cause gave President Lincoln great support and influenced civilian voters to follow suit.<sup>30</sup> In light of these weaknesses, the Copperhead political movement could not maintain broad support in the wake of Union military successes.

From a legal perspective, *Copperheads* suffers from superficial analysis of the constitutional issues raised by the Peace Democrats. This criticism may be unfair, to a degree, given that Weber is neither an attorney nor a constitutional scholar. However, legal scholars should be advised to look elsewhere for rigorous treatment of the legal issues attendant to President Lincoln's use of executive power during the war, such as the suspension of habeas corpus and trial of civilians by military commissions. Instead of examining the merits of Copperhead legal arguments concerning executive power, for example, Weber dismisses them as being "[b]linkered by ideology," so much so that "their interpretation [of the Constitution] would have barred Lincoln from employing most of the flexible and creative initiatives that helped the Union to win the war."<sup>31</sup> According to Weber, the Copperheads never recognized or acknowledged "the seriousness of the threat to destroy the United States"; she states that "[t]heir rigid ideology led them to focus on important constitutional issues but not to put those issues in the context of greater danger."<sup>32</sup> Given the paucity of legal analysis, Weber implies that measures necessary to the war effort were constitutional per se, which is an oversimplification to say the least.

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<sup>26</sup> *Id.* at 216.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 216–17.

<sup>29</sup> *Id.* at 216.

<sup>30</sup> *Id.* at 216–17.

<sup>31</sup> *Id.* at 6.

<sup>32</sup> *Id.* at 217.

*Copperheads* contains no discussion of possible parallels between political opposition to the Civil War and political opposition to other conflicts, such as the current Global War on Terror (GWOT). That is a strength. There is no shortage of tendentious analysis comparing the GWOT to previous wars, and I was gratified that Weber confined her commentary to the period in question. I suspect that the clarity and focus of the book would have suffered had she not done so.

Still, at least one critic found it “curious” that Weber did not touch on the experience of prior opposition parties during the War of 1812 or the Mexican War.<sup>33</sup> Conservative commentators reviewing the book have been quick to make comparisons between the Copperheads and contemporary Democrats who are opposed to the war in Iraq or other elements of the GWOT, arguing that opponents of the current war effort are similarly compromising its successful prosecution.<sup>34</sup> Although historical analogies can never be exact and are always debatable, these comparisons demonstrate the timelessness of the issues explored in *Copperheads*.<sup>35</sup>

Overall, the author presents a compelling case for her points concerning the influence of the Copperheads, their motivation and composition, the role of Union soldiers in their political defeat, and the relationship between Copperhead popularity and the success, or lack thereof, of Northern arms. *Copperheads* is well-written and worthy of attention for its analysis of political opposition to the Lincoln

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<sup>33</sup> Ethan S. Rafuse, Book Review, CIVIL WAR NEWS, <http://www.civilwarnews.com/reviews/2007br/Jan/webercopperheads.htm> (last visited May 13, 2008) (reviewing JENNIFER L. WEBER, *COPPERHEADS: THE RISE AND FALL OF LINCOLN’S OPPONENTS IN THE NORTH* (2006)).

<sup>34</sup> Fred Barnes, *Lincoln’s Fifth Column: Northern Democrats versus the Great Emancipator*, WKLY. STANDARD, Dec. 11, 2006, <http://weeklystandard.com/Content/Public/Articles/000/000/013/028ydfmp.asp> (reviewing JENNIFER L. WEBER, *COPPERHEADS: THE RISE AND FALL OF LINCOLN’S OPPONENTS IN THE NORTH* (2006)); Mackubin Thomas Owens, *Copperheads, Then and Now: The Democratic Legacy of Undermining War Efforts*, NAT’L REV. ONLINE, Mar. 19, 2007, [http://article.nationalreview.com/?q=YjAxOWZlOWQ1YWMwNDEwMDIyYmQ0MjQwZjgyOGFkZTU=\(reviewing JENNIFER L. WEBER, \*COPPERHEADS: THE RISE AND FALL OF LINCOLN’S OPPONENTS IN THE NORTH\* \(2006\)\)](http://article.nationalreview.com/?q=YjAxOWZlOWQ1YWMwNDEwMDIyYmQ0MjQwZjgyOGFkZTU=(reviewing%20JENNIFER%20L.%20WEBER,%20COPPERHEADS:%20THE%20RISE%20AND%20FALL%20OF%20LINCOLN’S%20OPPONENTS%20IN%20THE%20NORTH%20(2006))).

<sup>35</sup> For a comparison of the Civil War and Vietnam era drafts, see MYRA MACPHERSON, *LONG TIME PASSING: VIETNAM & THE HAUNTED GENERATION* 106–08 (Signet 1985) (1984). MacPherson finds similarity in the violent opposition to these drafts (i.e., draft riots), but contrasts the motivation of the draft protesters. In particular, she does not recognize any parallel between Vietnam era protesters and those Civil War era protesters who were motivated by racism.

administration during the Civil War. The line between treason and proper dissent in time of war has never been, and will likely never be, a clear one. *Copperheads* does not define that line, but it provides much of value to inform the debate.