

CALIFORNIA ROOM

1988
1ST PRIZE
\$500.⁰⁰

GEORGE O'DOHERTY AND THE SAN JOSE TRIBUNE

A Paper

Presented to

The California Pioneers of Santa Clara County

For the 1988 Santa Clara County Historical Essay Contest

By

Karen Sue Hockemeyer

1617 San Tomas Aquino Road

San Jose, California 95130

374-6715

TABLE OF CONTENTS

I.	INTRODUCTION.	1
II.	GEORGE O'DOHERTY AND THE SAN JOSE <u>TRIBUNE</u> . . .	3
III.	REFERENCES.	59

INTRODUCTION

The following is an excerpt from "The Southern Minority?--The Strength of the Confederate and Copperhead Sentiment in Santa Clara County, California 1860-1865," a thesis presented to the faculty of the Department of History at San Jose State University. The paper sought to determine if a strong or large pro-Confederate, pro-Copperhead sentiment existed in Santa Clara County during the Civil War. This was done by analyzing the U.S. Census records of the period, the voting results--federal, state, county, and municipal--between 1858 and the end of the war, and the background of the local candidates and office holders. The paper also evaluated the role and strength of the Democratic newspaper and clubs, and the secret pro-Confederate organizations, including a detailed account of a series of stage robberies committed in the name of the Confederacy.

Though the Democratic newspaper did not provide much information on the size of the anti-war faction, it did provide insight into its arguments and philosophy. This slant proved to be in stark contrast to the rhetoric of the county's Republican press, the San Jose Mercury; which was the focus of a two-part study published by Dr. Benjamin Bronston Beale in the California Historical Society Quarterly in 1943. As a

part of the analysis on the pro-Confederate, pro-Copperhead sentiment found in Santa Clara County, a study of "George O'Doherty and the San Jose Tribune" was necessary.

GEORGE O'DOHERTY AND THE SAN JOSE TRIBUNE

During portions of the Civil War, two major newspapers dominated the county. The San Jose Mercury, owned by J.J. Owen, advocated the opinions and desires of the Republican Party. The paper supported the policies of Abraham Lincoln, Leland Stanford, and the county's Republicans.

The Democratic Party also had a paper to support its position. The newspaper, the San Jose Tribune, made its first appearance on July 4, 1854. The paper was first issued by Givins George, an active member of the county's "Democracy," the name used by members of the Democratic Party when referring to themselves.

In August 1852, George, a native of Missouri, with T.C. Emerson, had begun publishing the San Jose Weekly Visitor. The Visitor had begun on June 20, 1851, as a Whig paper. By October of that year it had switched and supported the Democrats. In 1852, when Givins began his stint as co-publisher, the paper changed its name to the Register and F.B. Murdoch joined the paper as editor. In 1853, Murdoch obtained control changing the name of the paper again. It became known as the San Jose Telegraph. In 1860, the paper was purchased by W.N.

Slocum, the brother of General H.W. Slocum, who commanded a "wing of Sherman's army during the march 'from Atlanta to the Sea.'"¹ In 1861, J.J. Owen and Benjamin H. Cottle acquired the paper and changed the name to the San Jose Mercury.

Meanwhile, Givins George had gone on to start the San Jose Tribune and serve on San Jose's city council. In 1855, a Mr. Kendall joined with George as co-publisher.² By 1857, William R. Davis had replaced Kendall.³ The August 26, 1859, issue of the paper introduced George O'Doherty as the paper's editor. George O'Doherty had come to California from England via New York. On November 3, 1859, O'Doherty purchased the paper from George. O'Doherty would echo the sentiments of the more radical wing of the Democracy throughout the first three years of the war. O'Doherty's Tribune, along with the Los Angeles Star, the Stockton Argus, the Stockton Democrat, and the Visalia Post, were barred from the mails by Brigadier-General George Wright.⁴ This put O'Doherty out of business.

Throughout his tenure as publisher and editor, O'Doherty denounced questions about his loyalty to his adopted country. However, his record, left forever in

the pages of the Tribune, might contradict his affirmations of loyalty.

Before the outbreak of the Civil War, O'Doherty's Tribune supported the philosophies of states' rights, territorial sovereignty, slavery, the fugitive slave law, the Dred Scott decision, and the arguments against the Wilmot Proviso.

He even supported the position that all men are not equal. On April 27, 1860, the Tribune printed an un rebutted essay on page one entitled, "Democratic Aristocracy." The anonymous author, probably British, as were many of the essayists featured in the Tribune, believed that Americans, the republican form of government, and "that clause in the Great Instrument which declares that 'all men are born free and equal' is humbug."⁵

We are not "born free and equal." Is a Virginia nigger born free? Is he born the equal of his master? Will Wendell Phillips dare proclaim that by birth he is no better than a Congo nigger? A nigger is a human being, and if that phrase be true that "all men are born free and equal," then men of any color, or any condition of life are equals, and should be upon the same social footing. Niggers, Indians, Aztecs, cannibals are born the equals of the Caucasian, the Gaul, the Anglo Saxon and the Italian, and taking the phrase as it is recorded, they should herd together, intermarry, and be as one people.

The reverse of the sentence is true. We are not born free, nor are we equals. No man is free. If he is not the bondman, the dependent upon

another, he is the master. . . . There, then, can be no such thing as equality. . .

So, then, this much talked of freedom and equality is humbug.⁶

This theme of man's lack of freedom and inequality appeared in other articles, including "Mr. Douglas on Negro Equality"⁷ and the "Hon. Edward Everett on Slavery."⁸ It was used to justify the "Origins of Slavery."⁹

The Tribune published reports from travelers to the southern states on the Negroes' condition and life. An excerpt from an Englishman's "Rambles at Random in the Southern States," originally appearing in Blackwood's Review, was reprinted in the Tribune on June 8, 1860. The Englishman reported that the Negroes on the plantations he had visited were "easy-going, well-fed, and jolly set." From his observations he was "inclined to think that slavery [was] not so dark as it [had] been painted."¹⁰

Another article, appearing on July 6, 1860, "Plantation Life in the South," also supported the institution of slavery. The article was written by a planter from Alabama. The planter had formerly been a well-known citizen of Philadelphia. In his article, the planter hoped to contradict the "lies" created by the North against the South. He asked that the readers

contrast "the condition of the Negro with that of laboring people in Europe." He said that the readers would "find him infinitely better off, and more happy. He is cared for and kindly treated. . . ." He pictured slaves as well off since they received meat and were cared for when they were ill.¹¹

The pro-slavery advocacy of the Tribune led that paper to assail the Republicans. O'Doherty paralleled the Republican Party with the abolition movement. To accentuate and reinforce this connection, the Tribune referred to the Republicans as the "Black Republicans." He continually warned that the sole objective of the Republicans was the abolition of slavery. He believed that if they gained enough power they would do anything and everything to achieve this single-minded objective.

According to the Tribune, the objective, as well as the methods of the Republican Party were "unconstitutional, and therefore impractical."¹² The Tribune warned that the Republicans would "try to lure on their followers by their anti-slavery harangues. . . . , " and,

when they shall become their owners, body and soul, then the mask shall be thrown aside, and the treason which now lies hidden in their hearts, be fully exposed. The John Browns of the party will then declare themselves "en masse." The ultimate object, which they fear to expose as yet, is the

subversion of the Constitution--is the overthrow of the Government.¹³

The fanaticism of the Republicans regarding slavery and their desire to abrogate the Constitution became an obsession of O'Doherty and the Tribune.

To change our Constitution then is their real object.--To expunge from the sacred instrument those guarantees, which now stand in their way, and to frame another which will be anti-slavery in all particulars, will be the task undertaken, just as soon as their dupes are worked up sufficiently for the job. This was revealed by one of their leaders years ago. It was indiscreet in him, doubtless, thus to betray their secret consuls; but there is a providential dispensation that those who commit crimes cannot conceal it. The human head and heart are so constituted the guilty intentions and guilty knowledge, will be revealed by involuntary speech. So Burlingame, in a fit of frenzy, declared, that nothing short of an anti-slavery constitution, would answer their purposes.¹⁴

O'Doherty believed that the Republicans would completely and criminally discard the Constitution of 1787. The past actions of the Supreme Court, "the safeguard of the rights of the people," and "the bulwark of the Constitution,"¹⁵ indicated that it would not allow the plans of the Republicans, if they became law, to remain law.

They know that if the Wilmot Proviso should be passed it would be a nullity--that if the Fugitive Slave Law should be repealed, it would amount to nothing; and that if Congress should attempt to abolish slavery in the District of Columbia, it could not be done. They know that the Supreme Court. . . . will instantly decide [their statutes] unconstitutional, ...¹⁶

Just as important as supporting the Constitution was the issue of popular sovereignty and non-intervention by the national government in the affairs of the territories. The Tribune maintained that the Southern position favoring this was correct. O'Doherty believed

. . .that there is no other safe or politic position for the South to take, . . . that this doctrine of Popular Sovereignty and Non-Intervention was the well-understood compact entered into by the great Democrat and Whig statesmen of the Union in the passage of the Compromise of 1850--that this same doctrine was incorporated into the Kansas-Nebraska Act of 1854--that it was one of the cardinal principles in the Democratic Platform of 1856--. . .17

When quoting a speech of General Joseph Lane, the senator from Oregon and the Breckinridge candidate for Vice President in 1860, O'Doherty agreed "that every enlightened American heart should approve the idea incorporated in the Kansas-Nebraska bill." It represented

the true American principle; for the bill does not establish or protect slavery, but leaves the people of the Territories free to regulate their own local affairs in their own way. . . . Upon this issue the battles of the Revolution were fought; by the blood of our fathers this principle of self-government were [sic] established. This right refused by the King, was secured, consecrated and established by the best blood that ever flowed in the veins of a man--would you now refuse to the people of the Territories the rights your noble sires demanded of the crown, and won by their

blood--this placing yourself in opposition to the right of self-government in the Territories, thereby occupying the position toward the Territories that George III did to the colonies.¹⁸

Slavery, constitutional integrity, popular sovereignty, and non-intervention in the territories were the major issues during the election of 1860. As the only paper advocating the views of the Democracy of Santa Clara County, the Tribune aimed its venom at the Republicans. The paper gleefully reported the violence and arrests which had occurred at the Republican state convention in Maryland.¹⁹ On June 8, 1860, it announced the opening of the Republican National Convention in Chicago.²⁰ One week later, it announced the results. The paper had little respect for the candidates, Abraham Lincoln and Hannibal Hamlin. O'Doherty felt that little interest would be generated in the election. He "scarcely" regarded "Lincoln (to use a pugilistic phrase) as 'in the ring.'" ²¹ Two weeks later, the paper reported on the "Republican State Convention." The convention had occurred on June 26, 1860 in Sacramento. The Tribune reported on the "importance" of the event, stating that the convention did not have "an intrinsic value of its own. . . ." The Tribune jubilantly reported "that the small amount of interest shown in the Black Republican Convention, demonstrates

the conservatism, patriotism, and enlightenment of the people of the Pacific coast. Everyone seemed to stand aloof from it, as some unclean, unholy thing--. . . ."22

Just as the Tribune happily began its campaign to discredit the Republican Party and its conventions, platform, and candidates, it also watched and reported the events which led to the division of the Democracy.²³ On July 20, 1860, the paper described the events leading to the two conventions and then the results of both conventions. The Tribune did not lack an opinion with regard to the division. O'Doherty and the Tribune gave nominal support to the apparent "regular nominees of the party," Douglas and Johnson for President and Vice President. However, O'Doherty had some reservations which seemed to contradict the Tribune's editorials supporting the doctrine of popular sovereignty and non-intervention.

In regard to the merits of this division, we are not disposed to express an opinion. We have, heretofore, opposed the doctrines of Mr. Douglas, with regard to Popular Sovereignty. And upon this matter, we have no new position to take. And whilst we are willing, if Mr. Douglas be the regular nominee of the party, to give him our humble support, we prefer that this question should be decided by the Democracy of this country, and the Democratic State Convention, which will soon assemble.²⁴

Until the result of the state convention, O'Doherty refused "to take ground for or against either of the candidates." He hoped that "the wisdom, tact and foresight of the fine leaders" would "find some means to reconcile this unhappy feud," or that one of the candidates would resign so that the Democracy could "present an unbroken front before the calends of November."²⁵

Because of this "neutral" position, the Tribune published the acceptance speeches made by both candidates.²⁶ In the next edition, on July 27, 1860, an advertisement appeared announcing the Douglas and Johnson ticket. The same advertisement also announced the platform of the pro-Douglas faction of the Democratic Party. A second advertisement announced a meeting of the Democratic State Central Committee taking place in San Francisco on Monday, July 30. One week later a report of the meeting appeared. The meeting endorsed Douglas and condemned the actions of the California delegates to the National Convention for joining the Breckinridge faction.

On September 14, 1860, the Tribune reported on the Democratic State Convention as it also endorsed Douglas. Two weeks later the paper printed the complete text of

the National Democratic Platform and the California Democratic Platform. The paper also printed the Cincinnati Platform of the Douglas Democrats. The same issue included a series of articles favoring Douglas.

The Tribune did well in supporting Douglas, but articles also appeared about Breckinridge. Most of the articles questioned Breckinridge's stand on popular sovereignty as a portion of the Breckinridge platform included a resolution previously presented to the United States Senate by Jefferson Davis of Mississippi. The resolution supported the position that the federal government did not have the right to prohibit slavery in the territories; however, it maintained that it must actually protect slavery there.

In response to a Breckinridge supporter who denied that Breckinridge repudiated the doctrine of popular sovereignty and non-intervention and supported the right of Congress to legislate for the Territories, the Tribune moved to prove him wrong. The Breckinridge faction claimed that Congress could allow slavery in the territories. This was the same, in the opinion of the Tribune, as the Republicans wishing to keep slavery out of the territories. If Congress had the right to legislate for the territories to make slavery legal,

then it could also legislate to make slavery illegal. Therefore, in the opinion of the Tribune, the logic of the Breckinridge faction was wrong.²⁷ The Tribune reflected this logic when on October 15, it provided its readers with a synopsis of each party's platform.

The Republican sectionalists propose to force slavery away from where the People may want it. The Yancy [sic]-Breckinridge secessionists propose to force slavery where the People may not want it. The Democracy maintains that the People everywhere shall determine for themselves whether they will have slavery or not.²⁸

Using this logic, the Tribune predicted "The End of the Breckinridge Party" and that it would easily meld with the Republican Party as both sought to impose their will on the people by force.²⁹

As the election neared, the Tribune and O'Doherty implored their "friends, in every township, [to] organize."³⁰ He warned the Democracy of Santa Clara County that:

our enemies are at work, holding their meetings, circulating their documents, and trying to proselytize and pervert every one whom they can influence. Let us wake up to a sense of the importance of the struggle, and prove that we have faith in the soundness of our principles, and in the responsibility we should feel to sustain them and make them triumphant.³¹

The Tribune implored all members of the Democracy in Santa Clara not to desert the party. They needed to forget their differences, band together, and work to

defeat the "common enemy." The Democracy could not allow the Republicans to win.

While contending with the defection of the Breckinridge supporters, the Tribune continued to assail the Republicans and Lincoln. Much was made of Lincoln's stand against the Mexican War, which had brought California into the Union. The paper also brought up Lincoln's support for the Wilmot Proviso, which if it had passed, would have kept slavery out of the Mexican cession. Trying to capture the sympathies of those who had taken part in or had supported the Mexican-American war, the Tribune showed Lincoln's record. The record revealed that Lincoln had refused to vote for all supplies for the men fighting against Mexico until the Proviso was enacted. Lincoln's stand against the war would have kept "the brilliant possession of California, Utah, and New Mexico," and "the immense benefits these acquisitions have given us" from the United States.³² Yet, Lincoln refused "the means to secure these possessions, . . . unless Southern men were excluded from all participation in their benefits." Apparently, Lincoln cared little about the lives and comfort of "our troops" or about "the rights of the South--of those men, who had shed their blood. . . ."³³ The Tribune also

condemned Lincoln for voting against a resolution providing for popular sovereignty in regard to the abolition of slavery in the District of Columbia.³⁴

The split in the Democratic Party allowed the Republicans to win the election. He reprimanded the Calaveras Chronicle, a Breckinridge paper which had called for "every Democratic paper in the state [to] clothe its columns in mourning."³⁵ The Chronicle reminded O'Doherty "of the prodigal son, who poisoned his father that he might sooner inherit his supposed fortune, and on finding no fortune left, was the chief mourner and loudest wailer at his funeral."³⁶

The governments of the states of the deep South reacted immediately to the results of the election. The Tribune reported the details of the secession movement. The initial response of the Tribune to these events was one of caution and condemnation.

We regret much to see this movement, [for] as much as the election of Lincoln is to be deplored, together with the endorsement given to the principles of which he is the champion, at the last election, we do not see any sufficient cause in that fast dissolution of the Union.³⁷

The Tribune blamed the secession agitation on the Republicans. O'Doherty had hoped that the strong showing of Douglas and John Bell, who had run on the Constitutional Union ticket, would persuade the

Southerners of the "healthful and Conservative feeling in the Northern states." He had also hoped the results of this vote would "restrain the maddened desires of the abolitionists." However, that was not the case. As a result of the "war" waged by the abolitionists, O'Doherty believed that the southern states in self-defense had been compelled to withdraw from the Union.³⁸

The Tribune also waited to see how the North would deal with South Carolina, the first state to secede. The Tribune claimed that South Carolina was out of the Union "either by right of secession which is claimed to be peaceful or by right of protection which is forcible." It also claimed that the position of South Carolina would "form a central point or nucleus," which other slave states might follow.³⁹

By December of 1860, the issue of California's position and loyalty was at question. On June 22, 1860, the Tribune had printed an excerpt of a speech made by Senator Milton S. Latham to the U.S. Senate on April 16, 1860. Latham had said that California would join neither side if secession came. California, he hinted, would "sustain for ourselves the relations of a friendly independent state."⁴⁰ Eight months later, Latham reversed himself. He claimed that the Union had "no

more loyal subjects than the people of California; and out of her half million population, I believe there are not many who are for disunion."⁴¹

O'Doherty supported Latham's retraction.

As for California, she will stand by the Union at all hazards. The idea of a Pacific republic is one of those chimeras that could have no existence in any well ordered intellect. It is so absurd as to be below the dignity of being treated seriously. Our citizens, in this quarter, native and foreign born, are determined heart and soul to cleave to the Union, "one and indivisible," and to frown down every attempt that may be made to seduce them from their allegiance.⁴²

Besides frowning on any idea of California leaving the Union, he hoped that bloodshed might be averted. The "fire-eaters and fanatics of both extremes" needed to realize that "there is no stronger reason now for a dissolution of the Union, than there was at any time during the last ten years."⁴³ As California waited for news of a compromise O'Doherty warned that if the nation did not reach a compromise it would need "to prepare for one of the most bitter and bloody civil wars, that ever deluged a country with blood."⁴⁴

The Tribune printed excerpts from and comments about Abraham Lincoln's inaugural on March 22, 1861. Even after the election, Lincoln remained a relative unknown to the residents of the Pacific coast, so the Tribune could not anticipate what he would say, or how.

The Tribune hoped that Lincoln would present a "clear, statesmanlike exposition" of the nation's difficulties, "point with precision to a decided line of policy for their solution, and pledge the influence of his position to its support."⁴⁵ However, the text of Lincoln's speech left the Tribune "sadly, very sadly, disappointed."⁴⁶ The Tribune criticized Lincoln for not offering a plan of his own or endorsing one of the compromises already proposed to bring the wayward southern states back into the Union. It mocked Lincoln, calling him a "happy profound Rip Van Winkle," for saying that the southern states had never had any reason to become apprehensive and expressing doubts "as to the reality of the existence of any excitement among them."⁴⁷ The Tribune was pleased to hear Lincoln had no desire to interfere directly, or indirectly, with the institution of slavery. However, it quickly pointed out that as recently as June 17, 1858, Lincoln had spoken against slavery saying that "a house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved."⁴⁸ O'Doherty ridiculed Lincoln for the inconsistency of his statement. How would it be

possible to save the Union and maintain the permanent existence of the Government otherwise than by abolishing slavery in all the slave states. This conclusion inevitably results as a logical consequence of the premises, and from it there is no escape, unless Mr. Lincoln has changed his views. He says as much in his Inauguration. We hope that he is sincere.⁴⁹

However, concluding this argument, Lincoln also said that slavery would not cease "until a crisis shall have been reached and passed."⁵⁰ The Tribune believed that the country had entered that period of crisis. It wondered how Lincoln might act.

The Tribune did not believe that Lincoln had provided any information as to what he hoped to do. The Tribune accused Lincoln of not addressing "himself to the living issues of the crisis, . . . [but] of making vague unmeaning declarations, . . ."⁵¹

Had he told us what compromises (if any) he would make, what grievance of the South he would redress, what fanaticism of the North he would discountenance, [sic], how he should deal with the incendiary John Browns, and the unconstitutional legislation of the Northern states--in short whether he was going to be the Chief magistrate of the "whole" Union, or the champion and party-leader of a minority of the American people, we should be better prepared to express a definite opinion of the first manifesto he has promulgated to the American people--But he had given us very little tangible ground to stand on.⁵²

The newspapers of Santa Clara County, each representing a specific political viewpoint, did not have the habit in the 1860s of printing letters to the

editor which conflicted with the viewpoints of the editor or publisher. One week after reporting Lincoln's Inaugural Address, the Tribune printed two letters. One letter, filling almost an entire column, spoke out against Lincoln's inaugural address. The author pointed out the inconsistencies of what Lincoln had said with previous speeches and past actions as a member of the House of Representatives. Since the Tribune was a Democratic paper, the column was not out of the ordinary. Most of the Democratic newspapers criticized the new Republican executive and party policies. This was to be expected.

The second letter, which would establish the tone of the paper in the ensuing months, supported the actions taken by the southern states. Taking more than a full column, the anonymous author calling himself "Democrat" began his letter by explaining that while he did not think that the southern states had sufficient cause to secede, he had come to the conclusion that the act of secession was constitutional and legal. The author used the Declaration of Independence, the Constitution, and the Kentucky and Virginia Resolutions (1798-1799) to support his conclusion.

The movement of the southern states to withdraw from the Union was likened to the movement of the thirteen colonies separating from Great Britain. During the 1770s and 1780s this movement in the southern states was called secession. The author believed that the current movement was also revolution and revolution was legal. Revolution was a "personal or physical right" and was "nothing more than insurrection or rebellion, dignified somewhat by a better sounding name."⁵³ The right of revolution belonged to the individual and claimed "no higher authority than physical prowess, and is only justified by the law that 'might makes right'."⁵⁴

The United States of America originated on the assumption that the Union was a "voluntary association of independent sovereignties for certain specific purposes." Because of this relationship, the federal government was "but an agent of the States."⁵⁵ This basic fundamental assumption regarding the rights of the individual and the relationship of the federal government with the states, made the meaning of the Declaration of Independence clear.

We hold these truths to be self-evident: that all men are created equal: that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit

of happiness: that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed: that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government.⁵⁶

The seceding southern states were simply exercising the right described by Jefferson in the Declaration. The government had become destructive, threatening their rights. Because it had become destructive, the southern states had abolished the federal form of government which they had come to detest. They had also left the association of states. This, they felt was their legal right. In the process they had begun to institute a new government.

The Constitution, to abridge the fears of those who feared a powerful central government which might destroy the rights of the people, had outlined the powers delegated to both. The Constitution declared "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people. . . ." It also guaranteed that the Constitution "not be construed to deny or disparage others retained by the people."⁵⁷

What is there in that instrument to prevent them from creating new governments. They were

sovereign and independent when they adopted the Constitution and if they have not yielded up their right to withdraw from the association, they can yet do so. This is apparent to my mind from the fact that the Federal Government possesses no power to coerce a State into submission, or to compel her to send members of Congress to her Capital.⁵⁸

To exist, the federal government must rely on the "voluntary adherence of the different States for its perpetuity--upon the love and respect of its integral parts for its unity."⁵⁹

The gradual destruction of states' rights, which was the major issue of the present struggle, would lead to a concentration of power in the hands of the federal government. This concentration of power would make necessary large armies and navies to enforce the laws. As commander-in-chief a corrupt President might obtain enough power to completely subjugate the people. In this possibility, "the right of secession exists, not so much to escape the Constitution, but to escape from an oppressive and tyrannical administration of government."⁶⁰

The author supported his position by using the arguments of Thomas Jefferson, "who was more perhaps than all other men, the author of our form of government." According to Jefferson's Virginia and Kentucky Resolutions, the states of the Union were not

bound together on the "principle of unlimited submission to their general government." Each state of the Union reserved the rights and powers not delegated to the general government by the Constitution, the compact of the association. The federal government "was not made the exclusive or final judge of the extent of powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers. . . ."⁶¹

Therefore, since the power of secession was not denied by the Constitution, the southern states had the right to exercise this power. Constitutionally, the federal government did not have the right to deny this power or to force the states to participate in the Union. Therefore, the act of secession was legal.

The Tribune announced the beginning of the Civil War in the April 26 issue. O'Doherty had "no heart" to "comment on this sad news." Sending a "thrill of horror through the hearts of all our citizens, . . . one portion [were] loud in their denunciations of those who [had] struck the first blow." While the other was "equally loud in their execrations of those who have provoked it."⁶²

Two weeks later, on May 10, 1861, the Tribune announced that the Democratic Party would run two separate tickets for the impending county elections. Disgruntled over the state of the "Democracy", the Tribune lashed out at the Douglas faction. It had voted thirty-two to five to "enter into no negotiations with the Breckinridge Committee." Commenting on this news, the Tribune lamented that the Democracy had "destroyed their party."⁶³

O'Doherty accused the Douglas Committee of having "usurped a power not delegated to them." He declared that this action would drag "the Democratic Party into the arms of Republicanism." The Tribune promised, however, that this split would not push the paper into the hands of the Republican party and "make coercionists of us." O'Doherty argued that the Douglas Committee should have listened to the considerations and propositions of the Breckinridge Committee, which after all consisted of Democrats. If they were "fair and honorable," they should have been accepted.⁶⁴

The article continued by presenting, really for the first time, the paper's reaction to the announcement it had made two weeks earlier regarding the commencement of war.

Whatever may be said in favor of the abstract right of secession, or the abstract right of coercion, it is undeniable, except by a blind fanatic or fool, that war is no remedy for evil. It makes bad worse. It embitters the sections to a degree that make compromise and reunion impossible. It will result in the sacrifice of thousands of the best citizens of the Republic, and the expenditure of millions of money, all to no good end. What will be done with the South, even if conquered? Will they be sister states or dependencies? Will the war drive love into the breasts of the Southern traitors, as they are called? What shall California do in this contingency? Shall we engage in the war or keep the peace?⁶⁵

What should California do? The Tribune had an answer. California, because it was geographically removed from the conflict, should act as a mediator and remain neutral. The separation of the pro-slave and free soil factions of the federal government and the Democracy had come about as a result of Republican plans. To defeat the destructive aims of this party, the Tribune urged the committees of the county to "disregard the action of the state committees, and come together." The paper wanted the defeat of the Republicans.⁶⁶

Finally, the Tribune suggested a platform it would like to endorse. It hoped the Democracy would pledge its devotion to the Union, and regret that its perpetuity was endangered. The paper opposed coercion and war. It hoped that the Democrats would support a

compromise. It endorsed John J. Crittenden's proposal or compromise, which would have extended the Missouri Compromise line across the continent. The paper would also endorse any other compromise which might save the Union. Finally, it wanted the Democrats to pledge neutrality and peace for California.⁶⁷

On May 11, 1861, the citizens who "truly" loved the Union and favored the Crittenden Compromise, "or some adjustment of similar character, in order to preserve it" met at City Hall. The Tribune covered the proceedings.⁶⁸

John M. Murphy, the Breckinridge candidate for county tax collector, called the meeting to order. Those present chose as their president Isaac N. Thompson, the Breckinridge candidate for state assembly. They elected Henry Robinson and J.P. Springer (probably of Missouri) as vice presidents. W.R. Davis, the county assessor and Democrat, became secretary. The Breckinridge candidate for the county judgeship, John Milton Williams, formerly of Missouri, stated the objective of the meeting.

Williams said he would allow no one to question his loyalty to the Union. He would not argue about abstract questions regarding the right of secession or coercion.

He believed that "the war-cloud could not be driven away by the roar of a cannon." He believed that the policies of Abraham Lincoln were "subversive of the very Government he professedly would maintain. It was coercion, and coercion was war, and war was destruction." Instead of war, Williams proposed that the government follow a policy of compromises. He hoped that California would lead the movement for such a policy. War would only draw the slave states closer together. If compromise was not successful and the separation of the states of the South was inevitable, he proposed that "in God's name, let us separate in peace."⁶⁹

The meeting chose five men, including Williams, to develop a series of resolutions which would express the views of the meeting. The five men adjourned to work on the task set before them. While they were gone, in response to the crowd, J.A. Yoell, a former county clerk representing the Democratic Party and a pioneer member of the Santa Clara County Bar, spoke.

Yoell's opening remarks expressed sentiments of many present. "If people wish to know what kind of Union man I am, I will tell them. If to endorse the Republican Administration in its war-making policy upon

any portion of these states, is to be a Union man then I am not a Union man."⁷⁰ As an immigrant to the United States he revered the whole Union. Married to a Southern lady, and having a deep affection for her relatives, he refused to endorse the idea of one section of the country attacking another. The Committee on Resolutions returned and reported its resolutions. The first of these expressed the "highest veneration and esteem" for the Constitution and the United States. It deeply regretted the present condition of the nation and national government. The second resolution refused to "recognize coercion or civil war" as a remedy for the current "evils." Any use of coercion would simply result in the further alienation of the slave states and make their re-unification nearly impossible. The final resolution "hoped for the preservation of the Union. . . . to be found in peace and compromise."⁷¹

Before those present voted on the resolutions, John Murphy explained that some were present who disagreed with the proceedings. "Mr. B. Kemp came forward and occupied the floor for a space of fifteen minutes. He spoke in a violent and excited manner, and was understood to be opposed to conciliation and in favor of war." Kemp was followed by Thomas H. Lane who spoke

for concilliation. Following his speech the committee's resolutions were unanimously adopted and three cheers were given for the Union, and the Crittenden and Peace Compromise.

William Franklin Stewart, from Indiana, followed the hoorahs. He boasted of his love for "the star-spangled ensign" of his country. He described his participation in a regiment at Buena Vista as he imperiled his life for the defense of his beloved country. He would risk death for his country again, "but when I find that flag borne as a beacon of death to my brethren of the South, my very soul burns with indignation! Our population is made up of citizens from every State in the Union. Many of us have kindred and friends in the South, as well as in the North."⁷² The meeting passed a motion ordering that the resolutions be printed and circulated throughout the county for signatures.

The Tribune published the resolutions and the proceedings of the meeting on May 17, 1861. Because O'Doherty enthusiastically presented details of those who spoke against Lincoln's administration and its policies, the Mercury charged that the Tribune was "secessionists" and "a rank Breckinridge journal."⁷³

The Tribune defended itself, and denied that charge. After all, the Tribune had been against the secessionist movement in Charleston. It recognized Lincoln as the "constitutionally elected President of the United States," even though it did not feel it could endorse the policies of his administration. O'Doherty believed that Lincoln was bound to retake Federal property in South Carolina and everywhere else throughout the whole Union. He believed everyone should give all the aid necessary for the endeavor, but he was against the coercion policy. He was also against the present call for volunteers. He believed that the President did not have the authority from the Constitution to issue such a call. He believed that the President was in violation of the Constitution and laws and acting on his own will. "If this be Breckinridge, or secession, or treasonable doctrine, . . . We believe it to be the truth, and we dare express it."⁷⁴ Then he ended; "Allegiance to the Union, not to Lincoln."

The Tribune ran a second editorial in the same issue which answered the question: "The Civil War: Is the Federal Government fighting for self-protection, or invasion and subjugation?"⁷⁵ The Tribune concluded that the war was a war of invasion and subjugation. From the

end of May 1861 to October 10, 1862, the Tribune's editorials continued to condemn the administration, the war effort, and motives for the war.

On May 31, 1861, the Tribune printed the resolutions of the State Central Committee for the Democratic party (the Douglas faction). The resolutions expressed support for the Union. The committee also professed its support for the war declaring that:

The country is now defending itself against a war without justification, or decent excuse; waged upon it by certain seceded States--which is manifestly a war for the invasion of our National Capital; for the overthrow of our National Government; the oppression of the loyal States; the subjugation of the Union; a war to humble in the east our National flag, to wrench from the American people their constitutional rights of determination for themselves their own policy, foreign and domestic, and to blot them out from the class of the great powers of the world Such a war, so aggressive in its character, and so deadly in its purposes, forces upon the country an issue which can be met in but one way by any people having the common instinct of self-preservation, or worthy of an existence as a nation.⁷⁶

The resolution pledged the national administration its support in the war declaring "that all former partisan differences are lost in the present overwhelming crisis."⁷⁷ The Tribune did not editorialize either for or against the position of the State Central Committee, although it continued to denounce the war.

The Tribune endorsed John Conness, the Douglas faction's candidate for the gubernatorial election. The Tribune announced his candidacy on June 14, 1861. On the same day, the paper also printed the platform of the Breckinridge State Convention. This platform endorsed the Cincinnati Platform and the resolutions of the Baltimore Breckinridge National Convention. It opposed the use of force against the seceded southern states. It also favored the preservation of the Union and constitutional guarantees. To prevent civil war it also wanted the federal government to recognize the Confederate government. It declared California had a duty to obey the constitutional acts of Congress and the legal acts of the executive office. It claimed Lincoln had violated his powers by raising armies and increasing the size of the navy without authorization from Congress. It denounced the Morrill Tariff, supported free trade, favored the quick construction of a transcontinental railroad, and the adoption of the Crittenden Compromise, or something similar.⁷⁸

Of the two platforms printed in the Tribune, the Breckinridge platform more closely paralleled the editorials and positions expressed by the paper. The

editorials favoring the Breckinridge viewpoint continued throughout the election.

The Tribune declared that the true policy of the Lincoln Administration was the extinction of slavery.⁷⁹ It warned that the United States, under Lincoln's administration, was "fast losing those elements and characteristics which made it the best;" It warned that the United States would "soon cease to be free altogether."⁸⁰ Lincoln was not content with defending the national capital from the rebellion, but was driven "onward to the conquest and subjugation of one half of the Confederacy, in obedience to the demands of the infuriated other half. Hatred, malice, and revenge" seemed to be the only motives for the war, not justice.⁸¹ O'Doherty quoted the warning of the London Times against civil war.⁸² He quoted from an editorial in the Nashua (New Hampshire) Gazette, an old Democratic paper, which did not believe that the South intended to attack Washington and protested for peace.⁸³

The Tribune protested against everything. It disliked the administration when it replaced officials and military officers who did not agree with the administration's policies. O'Doherty continued to support the proposition that secession was legal and

condemned coercion.⁸⁴ He wrote sketches of the seceded states and printed essays on the "Havoc of Life by War."⁸⁵ He asked if Democrats should "sustain the war," and answered that they should seek some sort of compromise.⁸⁶ He printed messages from Jefferson Davis, the President of the Confederacy⁸⁷ and he described how the wives, children and sisters of the husbands, fathers, and brothers engaged in the war had been left to starve in New York City.⁸⁸

The Tribune's most consistent target remained Lincoln, his administration, and the true motives behind the war. The Tribune continued to impress upon its readers "that the war being waged by Mr. Lincoln [had] for its object the abolition of slavery and the consolidation of our Government of the United States into one central and absolute Government."⁸⁹ Lincoln had suspended the writ of habeas corpus. He had destroyed the right of private property by freeing slaves, burning houses, cutting down crops, and performing "a thousand atrocities." The government had taken possession of the railroads, seized telegraphs, and had installed "a detestable system of espionage and surveillance, worse than the Star Chamber." The right to petition had been laughed at as no one was permitted

to circulate petitions for compromise. The citizens of the United States had come to "live under a despotism more absolute than that of Russia or France--a tyranny more galling than the thirty tyrants of Athens."⁹⁰ "We have never supposed that the Republicans wished to preserve the Union. We have all along regarded them, as the most implacable enemies the Union had."⁹¹

On August 6, 1861, the Tribune printed the county ticket. Many of the names supported by the Tribune were Breckinridge Democrats. J.M. Williams, the candidate for county judge, had supported the "Union Resolutions" against the war and had even been reported as having left the meeting of the Democratic County Committee when it adopted the state's platform supporting the administration and its war efforts.⁹²

The Tribune supported John Murphy for tax collector; Thomas Lane for district attorney; I.N. Thompson, N.R. Bane, and W.T. Wallace for the state assembly; E. Leavesley for county clerk; William McCune for sheriff; and, a host of lesser-knowns for other county offices.⁹³

On August 30, the Tribune published a "Communication" from a "Forty-Niner Union Democrat," who endorsed John McConnell, the Breckinridge candidate for

governor. The "Forty-Niner" stated that McConnell was against the war; war was "disunion" and "final, eternal separation."⁹⁴

On September 6, the Tribune reported the triumph of the Republican Party in both the state and county. O'Doherty condemned the charges made against John McConnell. McConnell had been "denounced as a secessionist and a strong sympathizer of Jeff. Davis." His political opponents had said that if McConnell were to win the election "the whole power of the State Government would be used to wrest California out of the Union and make her a seceding State." They had also hinted that within two months of the election "civil war would be inaugurated and that [California] would be reduced to the same lamented conditions as Missouri."⁹⁵

Following the gubernatorial elections, the Tribune continued to attack the Administration. It warned of the danger of Lincoln's despotism and continued to enumerate Lincoln's alleged violations of the Constitution.⁹⁶ It denounced the Mercury's desire for a law requiring an oath of allegiance be taken before someone could vote and the labeling of those refusing to take such an oath as an alien. It continued to report that the war was not one to preserve the Union, but one

to abolish slavery.⁹⁷ The paper supported the recognition of the Confederate states by Spain hoping it might bring peace.⁹⁸ It also reported that the conquest of the Confederate states would be impossible.

With the news of the Confederate victories outnumbering those of Union victories, the Tribune commented that if the Confederate states could not "be induced to come back to the Union by motives of self-interest, a division of states [was] inevitable." In only a matter of time the "great powers of the world would recognize the flag of the Confederate States." When that happened, the North would not be able to win. Both sides would be better off having a peaceful separation and ending "this mutually ruinous war."⁹⁹

On November 1, 1861, the Tribune replied to an accusation of treason made by the Mercury. The accusation came as a result of the Tribune's continual denunciation of Lincoln, his policies, and the war. The Tribune responded by accusing the Mercury of treason for supporting Lincoln who, in the opinion of the Tribune, was the real traitor. To prove the point, the Tribune recited the list of Lincoln's treasonable activities again.

The Tribune's editorials and articles remained the same. It continued to write that the war was hopeless and that the war could not be won.¹⁰⁰ The Tribune also printed articles, and even poetry which seemed to support the Confederate cause. On November 22, the Tribune printed a piece it entitled "Secession Poetry."

One God, one woman, and one flag,
 We worship and adore;
 Our motto is --LET US ALONE--
 We ask for nothing done.

War to the hilt!
 Their's be the guilt
 Who fetter the freeman
 To ransom the slave.

Thou wilt not yield the vandal toll,
 Maryland! My Maryland!
 Thou wilt not crook to his control,
 Maryland! My Maryland!
 Better the fire upon thee roll:
 Better the blade, the shot, the bowl,
 Than crucifixion of the soul,
 Maryland! My Maryland!¹⁰¹

The Tribune printed speeches made by "Jeff Davis"¹⁰² and Howell Cobb, a former Speaker of the House from Georgia, leader of secession, chairman of the Provisional Confederate Congress, and colonel in the Confederate army.¹⁰³ It also printed articles on life in the southern states and with the southern troops.¹⁰⁴ All of the articles portrayed the South and Southerners most favorably.

The Tribune also continued with its philosophical attacks. It quoted from and used the arguments of Madison and Thomas Jefferson.¹⁰⁵ It blamed the current state of the nation on Puritanism.¹⁰⁶ It drew parallels from the Bible.

In a letter to the editor, "Squibob" retold the story of Esther. He told how Mordecai had refused to bow down and show reverence to the rich and mighty Haman. Haman ordered a gallows erected, whereupon he planned to hang the "stiff-necked Jew." However, after workmen had completed the erection of the gallows King Abasuerus ordered that Haman be hung instead.

This story had a moral for the Republicans:

The Republican Party . . . is imprisoning men and women for opinion's sake, and surpressing Democratic journals throughout the land. The time will soon come when the democratic masses will hurl these mal-administrators from power. But will they, then, in turn, imprison those who differ from them in opinion? Will they destroy, or surpress, . . . the advocates of Republicanism? Far, very far from it. They will let them go on, and think and write and publish what they please. . . .¹⁰⁷

Squibob's letter echoed the sentiments of the Tribune on a dear subject, the censorship of the press. The Tribune had begun to condemn Lincoln's censorship and seizure of "traitorous" journals in October of 1861. As the months wore on the frequency of these articles increased. On January 31, 1862, "Pax," the

author of a letter on freedom of speech and the press, contributed to the Tribune. Sometimes in elegant prose and at great length, he expounded on the necessity for a free press. Quoting from Junus, who had examined this freedom in England, he hailed "The liberty of the press" and the right to speak one's thoughts as "every freeman's right, in peace and war, in counsel and in fight."¹⁰⁸

As the Tribune continued to follow national events and comment on them, it also commented on the municipal elections for the City of San Jose. The election of 1862 put the last Democratic administration into office as the Democrats ran a single ticket. The party labeled itself the People's Ticket. On April 18, 1862, the Tribune jubilantly announced the victory of this ticket at the polls and printed the aggregate vote for each of the candidates.

The Tribune also followed passage of a bill proposed by Charles Maclay, then a Republican member of the state assembly representing Santa Clara County. Called the "Traitor Bill," it sought to deprive traitors and their aides of the rights of citizenship. It also sought to confiscate the property of traitors and their agents, and take away the protection of the courts. The

bill passed the assembly by a vote of thirty-five to twenty-five.¹⁰⁹

The Tribune vehemently opposed this bill as tyrannical. Because of the passage which read: "Any citizen of this State who has 'heretofore' taken up arms, . . . " the Tribune classified the bill as an ex post facto law. The use of the term "heretofore" made the bill retroactive, thus making it ex post facto by nature.¹¹⁰

The bill also required any jurors in a case of treason to take a double oath. They had to swear to try the case according to the law. They also had to take an oath of loyalty; "that is to say, that they voted for Abraham Lincoln, and that the Chicago Platform is a direct revelation from heaven!"¹¹¹ The words "to ensure punishment" and "to further ensure conviction," coupled with the required oaths would surely prevent a fair trial. The confiscation of the Rebel's property made the bill a bill of attainder. Finally, one provision said that "after a citizen [had] been tried and sentenced, for treason, to any punishment short of death," he would be handed over to the authorities of the federal government for a second trial on the same offense. This constituted double jeopardy.¹¹²

In the view of the Tribune the bill violated the Constitution since the Constitution explicitly made bills of attainder and ex post facto laws unconstitutional. The Constitution also prohibited double jeopardy. Finally, the Constitution gave to Congress the power to "declare the punishment of treason." The State Legislature for California did not have this power. Therefore, everything about the MacLay Treason Bill was unconstitutional.

During the spring and summer months of 1862, the Tribune continued editorializing against the Republicans, Lincoln, the federal government, and the war. Interspersed with the editorials of O'Doherty and the anonymous Democratic authors residing in the county, the Tribune also printed a variety of literature from other sources. It printed articles from other "Secesh" and "Copperhead" journals. Articles appeared from the Louisville Journal which railed against the power of confiscation. They supported the Constitution, and expressed horror about the "ruin" of the Negro and society by the northern anarchists who planned to turn the Negro loose "an ignorant pauper, for whom no one cares."¹¹³ Articles from the Albany Argus, Marysville

Express, and Richmond Examiner also filled the pages of the Tribune.

Besides articles from various domestic newspapers, the Tribune also carried a variety of essays from British periodicals. These articles discussed such topics as life in the South, the legalities of secession and its parallel to the colonial movement for independence in the 1770s, and the economic issues of the war. These articles came from such periodicals as the London Dispatch, Manchester Guardian, London Weekly, North British Review, London Quarterly Review, London Times, and Blackwood's Magazine.

Besides articles, O'Doherty filled his Tribune with speeches of the nation's leading Copperheads. On June 20, 1862, at a time when the Union Democrats had, in larger numbers, begun to join with the Republicans in coalitions, the Tribune printed the contents of a pamphlet published by the Democratic Party. The pamphlet, "An Address of Democratic Members of Congress to the Democracy of the United States," answered the question: "Shall the Democratic Party be disbanded?" The pamphlet outlined the Democratic platforms for the last thirty years. These platforms had placed great faith in the intelligence, patriotism, and

discriminating justice of the American people. They believed in a form of government "springing from and upheld by the POPULAR WILL." The Federal Government should be "one of limited power, derived 'solely' from the CONSTITUTION; and the grants of power made therein ought to be strictly construed by all departments and agents of the Government, . . . it is inexpedient and dangerous exercise doubtful constitutional powers."¹¹⁴ The Democratic Party practiced the true principles of Jeffersonian Democracy:

The support of the STATE GOVERNMENTS in all their rights as the most competent administrations of our domestic concerns and the surest bulwarks against anti-republican tendencies.

The preservation of the GENERAL GOVERNMENT in its whole constitutional vigor as the sheet-anchor of our peace at home and our safety abroad.

A jealous care of the right of election by the people. THE SUPREMACY OF THE CIVIL OVER THE MILITARY AUTHORITY. Economy in the public expense, that labor may be lightly burdened.

The honest payment of our debts and sacred preservation of the public faith.

FREEDOM OF RELIGION, FREEDOM OF THE PRESS, AND FREEDOM OF PERSONS UNDER PROTECTION OF HABEAS CORPUS, AND TRIALS BY JURIES IMPARTIALLY SECURED.¹¹⁵

The pamphlet continued by stressing that the principles of the past platforms and Jefferson were the principles of the Democratic Party. They were "essential to public liberty and to the stability and wise administration of the Government, alike in peace and war." They provided

the principles "upon which the Constitution and Union were founded, . . . "116

The pamphlet outlined the successes of the Democratic Party: its many victories at the polls; the new territories and states added to the Union during its administration; the payment of war debts; and, the successful prosecution of wars. The Democrats had, according to the pamphlet, won wars

with a moderate outlay and a small Army and Navy, and without the suspension of the Habeas Corpus; without one infraction of the Constitution; without one usurpation of power; without suppressing a single newspaper; without imprisoning a single editor; without limit to the freedom of the press or of speech, in or out of Congress, . . . and, without the arrest of a single "traitor," though the Hartford convention sat during one of the wars, and in the other, senators invited the enemy to "greet our volunteers with bloody hands and welcome them to hospitable graves."117

The pamphlet advocated a return to the principles of the Constitution. It advocated the restoration of the Union and end to sectionalism, as the only means to achieve the ends. To end sectionalism the ballot box had to stop the "unclean fountain of Abolitionism." The Democratic Party had always maintained that Congress did not have the power

under the Constitution, to interfere with or control the domestic institutions of the several States, . . . that all efforts by the Abolitionists, or others, made to induce Congress

to interfere with questions of slavery, . . . are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability . . . of the Union.¹¹⁸

The pamphlet confirmed that the party had always supported the government. The charge that the Democratic Party refused to support the federal government "in maintaining its safety, integrity, and constitutional supremacy," and advocated the "disbanding of the armies and succumbing to the South," was "libelous and false." The party recognized its duty as "partriots" to support the government. The pamphlet also said that the Democratic Party would not support the "waging of war against any of the States or people of this Union in any spirit of oppression, or for any purpose of conquest or subjugation, or of overthrowing or interfering with the rights or established institutions of any State." More than anything else, the Democratic Party would not support the administration in any actions which might lead to the "loss of our political or personal rights and liberties, or a change in our present Democratic form of government."¹¹⁹

O'Doherty ended his reprint with the names that had originally been affixed at the end of the pamphlet. The

names included some of the most rabid Copperheads, including Clement Vallandigham of Ohio who was later arrested for violating an order given by General Ambrose Burnside, then in command of the District of Ohio. The order declared that any sympathy for the South would be considered treasonable. Vallandigham, who had lost his seat in the House in 1862 for his opposition to Lincoln and the war, issued calls for peace negotiations. After Burnside's order, he continued his rhetoric and urged resistance to the draft. On May 5, 1863, Burnside arrested and brought him before a military commission. On May 6, the firebrand was sentenced to close confinement for the duration of the war. However, Lincoln commuted the sentence and in the fall of 1863 Vallandigham ran for the governorship of Ohio.¹²⁰

The Tribune printed the text of speeches made by several of the nation's leading Copperheads. On June 27 and July 4, the Tribune printed the text of a speech made by Senator Edgar Cowan of Pennsylvania in the Senate against "The Forfeiture and Confiscation of Rebel Property in the Confederate States." On July 11, the text of a "State of the Union Speech of Honorable Benjamin Wood, of New York, In the House of Representatives" attacked Lincoln's administration and

the war. One week later, the Tribune presented the text of a speech by W.D. Voorhees, a member of the House from Indiana, that outlined "The Corruptions of Lincoln's Administration." On August 22 and 29, the Tribune continued its publication of Copperhead speeches. On those dates the Tribune published the speeches made by Senator W. Saulsbury, of Delaware, and George T. Curtis. Each attacked the administration, abolitionism, and the war. On September 19, the paper included the text of a speech made by the country's leading Copperhead, Clement Vallandigham.

By August, county politics mixed with national issues. On August 15, the Tribune announced the Democratic Party's ticket. For this election, county politics paralleled the national trend. Those Democrats who did not support the anti-war, anti-Lincoln, anti-administration stances of the Democratic Party or its press had formed a coalition with the Republicans. The Democratic Party in Santa Clara County contained the remnants of those life-long Democrats who could not skip to the Republican side, Copperheads, and those who sympathized with the secession movement. The Tribune had become the voice of the second, and probably largest, element. It was a Copperhead journal.

While the Tribune announced the ticket of the Democrats running for the various offices, it also attacked those who had joined the coalition. Among those who received the greatest tongue-lashing were C.T. Ryland and J.W. Owen. The Tribune called Ryland a political chameleon.¹²¹ It noted that as a supporter for Conness in the gubernatorial election of 1861, Owen had lost, coming in third in his bid for a seat in the state assembly. Surely, the citizens of the county were intelligent enough not to favor him in this election.¹²²

On August 22, 1862, the Tribune argued that in its "candid opinion . . . any attempt to 'coerce' the people of California into supporting the war for the nefarious scheme of Abolition, [would] meet with RESISTANCE!" Many living in California did not believe that the purpose of the war was to "restore the Union as it was and to preserve the Constitution." The only purpose of the war was to gratify the malignity and unholy ambition of those in power by freeing the Negroes and confiscating the property of citizens in the Southern States. The people of California could not and would not be made participants in its guilt."¹²³

One week later, the Tribune outlined what it believed would be the results of the war. The paper

wished to know what would happen to the subjugated states. They would not be sovereign. They could not govern themselves, elect officers, or form laws for themselves. They would have no representation in Congress. They would be governed as territories. The federal government would have to use military force such as was the case in Tennessee, Louisiana, and other areas of the Confederacy already occupied by Federal troops. A military government would make the South more restless and turbulent and a condition would exist which would be similar to that in parts of Europe such as Poland and Hungary. In a defeated South where would be the equality and sovereignty of the states guaranteed by the Constitution? No where. Therefore the result of the war would not restore the Union. The war was in vain.¹²⁴

On September 5, the Tribune reported the results of the election. For the Tribune, the results were disastrous as the Republicans were victorious. O'Doherty lashed out at the county electorate calling them stupid for voting Republican.¹²⁵

On September 5, O'Doherty responded, for a second time, to accusations made by the San Jose Mercury regarding the Tribune's loyalties. The San Jose Mercury

and the Nevada Journal had labeled the Tribune a "Sesech sheet of the worst stripe." O'Doherty responded by calling both papers liars.¹²⁶

The following week the Tribune attacked England for not taking a position on the war. It attacked John Swett, the Union candidate for State Superintendent of Public Instruction, for his stand on segregation and accused him of having allowed blacks to go to school with whites while he was principal at Rincon School in San Francisco. The paper also attacked the Republican administration for removing John Barry, the postmaster at the Fifteen Mile House, for "disloyalty."¹²⁷

O'Doherty also explained how someone could shut up Abolition orators.

In the September 19th issue, the paper printed a speech made by Vallandigham. The paper also gave notice that this could possibly be the last issue. General Wright had issued orders barring it from the mails, thus putting it out of business.

On September 26, O'Doherty printed a series of articles on the first page of the Tribune. The first article dealt with the Confiscation Bill, which allowed the federal government to confiscate property, including the slaves, of the Rebels and those who aided the

Rebels. The provision regarding slavery, declared the Tribune, provided proof that the Civil War was a war for abolition and not for the Union. The paper also printed remarks from the July issue of Brownson's Quarterly Review on the policy of Lincoln's aims and policies. The paper remarked on the "Spirit of the Constitution" and how it had been destroyed by the Republicans. Another article, "The Two Systems," outlined the numerous infractions of the Constitution by Lincoln's administration.

On October 3, 1862, the Tribune announced that the San Francisco Atla and Bulletin had been denied use of the mails and expresses. The Tribune labeled the Alta a "loyal organ, par excellence."¹²⁸ To prove the point the Tribune reproduced two excerpts and asked the "loyal" citizens of California to judge for themselves. The first excerpt claimed that the "'States are sovereign and have a legal right--even without moral right--for the two are entirely distinct--to leave the Union when they see fit. They owe no explanation to anybody.'--Alta California, November 25, 1860." The second claimed "'that if the cotton states desire to secede, let them do so. Under our government the right

of secession is sovereign and complete.'--Alta
California, November 27, 1860."¹²⁹

The Tribune then contradicted itself as it defended both itself and the Alta.

Now our readers may remember that the editor of the Tribune always denied any legal right of the Southern States to secede, and dissented from communications which were published, advocating that right. Yet we are guilty of treason; and McCrellish, the newspaper huckster of other men's brains in the Alta, is a loyal "cuss."¹³⁰

The article concluded with the warning issued by the editor of the Alta. "The same offense which justifies the exclusion of a paper from the mails, will justify the inclusion of the editor in Alcatraz. A word to the wise!"

On the second page of that edition a brief disclaimer appeared. "In the absence of the Editor of the Tribune from the city, he is not responsible for the material in this issue." The disclaimer was signed by A.D. Jones, the newspaper's foreman.¹³¹

On October 10, in "To the Patrons of the San Jose Tribune," George O'Doherty announced

In the consequence of the late illegal unconstitutional and despotic order of the General commanding the Military department of the Pacific, in relation to the Tribune, the editor and proprietor of this paper is compelled either to discontinue its publication altogether, or make arrangements to have it continued by parties whose

sentiments will be in accordance with the policies of the present administration.132

In his final editorial for the next eight months, O'Doherty once again lashed out at the "unconstitutional" policies of the administration.

Finally we hurl the charge of disloyalty in the teeth of those who have sought to suppress this paper; and in the name of the outraged people; in the name of our National and State Constitutions now trampled in the dust, that have hitherto been thought to guarantee to American citizens Freedom of Speech and of the Press; in behalf of that sacred blood, that has been poured out, during the world's history, to win, to maintain and perpetuate these and other noteless, priceless rights, . . . [We] protest against the recent acts of Gen. Wright whether they have been ordered by the fanatics at Washington or those in this county and State, for we cannot believe the General himself is a willing agent in usurping such powers.

We have an abiding hope that the people will yet awaken to a sense of their danger, including even a large portion of the Abolition faction; and then when aroused, they will hurl from their guilty heights the sparrow hawks of fanaticism who have dared to pollute with their vile presence the sun lit precincts of the eagles eyry [sic] and have made the American name a mockery and a reproach to the civilized world.

George O'Doherty
San Jose, October 9, 1862

William J. Beggs and John B. Baccus took over the Tribune. They published the first edition of their Tribune on October 25. Still Democratic, the editorials were much less caustic and defiant. More hopeful for the Union, the paper questioned how the Union would look

after the war. However, it did not question the administration's policies.

The order denying the Tribune use of the mails came on September 5, 1862. The order also affected the Stockton Democrat, Stockton Argus, and the Placerville Mountain Democrat. The order also completely silenced the Democratic Register owned and published by Joaquin Miller in Eugene, Oregon.¹³³

The order effectively put O'Doherty out of business. The Tribune relied on the mails for its distribution. Without the mails, the Tribune could not reach its readership which was spread throughout the vast area of the county.

In January, 1863, all western papers were again allowed to use the mails.¹³⁴ By May, 1863, George O'Doherty returned as the sole publisher of the paper. He immediately attacked J.J. Owen and the Mercury. He branded Lincoln an imbecile for signing the Emancipation Proclamation. He printed stories telling of the shabby treatment given a California battalion attached to a Massachusetts regiment early in the war. On September 11, 1863, O'Doherty sold the Tribune to F.B. Murdoch and A.F. McKee. The new owners changed the name of the paper to the Patriot. The Patriot was pro-Union.¹³⁵

REFERENCES

- ¹Sawyer, 108.
- ²Givins is also spelled Givens. The former seems to be the most common spelling so it was used in this paper. Kendall's first name was not given. Ibid., 110.
- ³San Jose Tribune, 1 January, 1857.
- ⁴Spaulding, 115.
- ⁵"Democratic Aristocracy," San Jose Tribune, 27 April 1860, 1.
- ⁶Ibid.
- ⁷"Mr. Douglas on Negro Equality," San Jose Tribune, 14 September 1860, 1.
- ⁸"Hon. Edward Everett on Slavery," San Jose Tribune, 31 May 1861, 1.
- ⁹"Origin of Slavery," San Jose Tribune, 22 June 1860, 1.
- ¹⁰Blackwood's Review was the name used by the Tribune. "The Southern Negro," San Jose Tribune, 8 June 1860, 1.
- ¹¹"Plantation Life in the South," San Jose Tribune, 6 July 1860, 1.
- ¹²"Republican Leader and Dupes," San Jose Tribune, 29 June 1860, 2.
- ¹³Ibid.
- ¹⁴Ibid.
- ¹⁵Ibid.
- ¹⁶"Popular Sovereignty and Non-Intervention in the Territories," San Jose Tribune, 31 August 1860, 2.
- ¹⁷Ibid.

¹⁸Ibid.

¹⁹"The Republican State Convention of Maryland," San Jose Tribune, 11 May 1860, 3.

²⁰"Later from Atlantic States," San Jose Tribune, 8 June 1860, 2.

²¹"Summary of the Week," San Jose Tribune, 15 June 1860, 2; and "Republican Nominations," San Jose Tribune, 15 June 1860, 3.

²²"Republican State Convention," San Jose Tribune, 29 June 1860, 3.

²³"Atlantic States," San Jose Tribune, 11 May 1860, 3; "Atlantic States," San Jose Tribune, 18 May 1860, 2; "Miscellaneous Intelligence," San Jose Tribune, 1 June 1860; "Summary of the Week," San Jose Tribune, 29 June 1860; "Atlantic States," and "Seceder's Convention," San Jose Tribune, 6 July 1860, 3; "Disunion of the Democracy," San Jose Tribune, 20 July 1860, 2; "Atlantic States--Democratic Nominations," San Jose Tribune, 20 July 1860, 3; and "Seceder's Convention," San Jose Tribune, 20 July 1860, 3.

²⁴"Disunion of the Democracy," San Jose Tribune, 20 July 1860, 2.

²⁵Ibid.

²⁶"Acceptance of John C. Breckinridge," and "Acceptance of Stephen A. Douglas," San Jose Tribune, 20 July 1860, 2.

²⁷"Political Consistency," San Jose Tribune, 7 September 1860, 2.

²⁸"The Three Platforms," San Jose Tribune, 15 October 1860, 1.

²⁹"The End of the Breckinridge Party," San Jose Tribune, 28 October 1860, 2.

³⁰"Progress of the Campaign," San Jose Tribune, 5 October 1860, 2.

³¹Ibid.

³²"Lincoln and the Mexican War," San Jose Tribune, 20 July 1860, 2.

³³Ibid.

³⁴"Lincoln and Cushing," San Jose Tribune, 28 September 1860, 6.

³⁵"Crockodile Tears," San Jose Tribune, 16 November 1860.

³⁶Ibid.

³⁷"The Secesion Movement," San Jose Tribune, 30 November 1860, 2.

³⁸"The Secession Agitation," San Jose Tribune, 14 December 1860, 2.

³⁹"Will Southern Wrongs be Redressed," San Jose Tribune, 14 December 1860, 2.

⁴⁰"Extracts From Latham's Speech," San Jose Tribune, 22 June 1860, 1.

⁴¹"Latham on Secession," San Jose Tribune, 11 January 1861, 1.

⁴²"Secession," San Jose Tribune, 8 February 1861, 2.

⁴³Ibid.

⁴⁴"Secession," San Jose Tribune, 15 February 1861, 2.

⁴⁵"The Inauguration of President Lincoln," San Jose Tribune, 22 March 1861, 2.

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹Ibid.

⁵²Ibid.

⁵³"Secession is Legal," San Jose Tribune, 29 March 1861, 2.

⁵⁴Ibid.

⁵⁵Ibid.

⁵⁶Ibid.; Declaration of Independence.

⁵⁷Ibid.; U.S. Constitution, amend. X.

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰Ibid.

⁶¹Ibid.

⁶²"Civil War Commenced," San Jose Tribune, 26 April 1861, 2.

⁶³"The Democracy and the Union," San Jose Tribune, 10 May 1861, 2.

⁶⁴Ibid.

⁶⁵Ibid.

⁶⁶Ibid.

⁶⁷Ibid.

⁶⁸"Rally for the Union," San Jose Tribune, 17 October 1861, 2.

⁶⁹Ibid.

⁷⁰Ibid.

⁷¹Ibid.

⁷²Ibid.

⁷³"The President Usurping Despotic Powers," San Jose Tribune, 24 May 1861, 2.

⁷⁴Ibid.

⁷⁵"The Civil War," San Jose Tribune, 24 May 1861, 2.

⁷⁶San Jose Tribune, 31 May 1861, 2.

⁷⁷Ibid.

⁷⁸"Breckinridge State Convention," San Jose Tribune, 14 June 1861, 2.

⁷⁹"Extinction of Slavery--The Policy of the Administration," San Jose Tribune, 28 June 1861, 2.

⁸⁰"The American Government," San Jose Tribune, 28 June 1861, 2.

⁸¹Ibid.

⁸²"The 'Times' on our Civil War," San Jose Tribune, 28 June 1861, 3.

⁸³"Policy of the War Examined," San Jose Tribune, 5 July 1861, 1.

⁸⁴"The Legal Right of Secession," San Jose Tribune, 2 August 1861, 1; "The Framers of the Constitution Against Coercion," San Jose Tribune, 9 August 1861, 1.

⁸⁵"Sketches of the Southern States," and "Havoc of Life By War," San Jose Tribune, 2 August 1861, 1.

⁸⁶"Should Democrats Sustain the War," San Jose Tribune, 19 July 1860, 2.

⁸⁷"Jeff Davis' Message," San Jose Tribune, 16 August 1861, 3.

⁸⁸"Scene in New York City," San Jose Tribune, 23 August 1861, 2.

89 "Invasion, Subjugation, and Absolutism," San Jose Tribune, 30 August 1861, 2.

90 "Territorial Integrity vs. Constitutional Integrity," San Jose Tribune, 19 July 1861, 2.

91 "War or Peace," San Jose Tribune, 2 August 1861, 2.

92 "Proceedings of the Democratic County Committee," San Jose Tribune, 31 May 1861, 2.

93 "Our County Ticket," San Jose Tribune, 16 August 1861, 2.

94 "Communication," San Jose Tribune, 30 August 1861, 3.

95 "Result of the Election," San Jose Tribune, 6 September 1861, 2.

96 "Danger of Lincoln's Despotism," San Jose Tribune, 27 September 1861, 2; "Where Will They Stop," San Jose Tribune, 18 October 1861, 1; "Infamous Calamities of the Republicans," San Jose Tribune, 6 December 1861, 2; "The President's Message," San Jose Tribune, 13 December 1861, 2; "Infamous Treason of the Mercury," San Jose Tribune, 1 November 1861, 2.

97 "Object of the War--Extinction of Slavery," San Jose Tribune, 22 November 1861, 1; "Abolition," San Jose Tribune, 1 November 1861, 1; and "Abolition of Slavery in the District of Columbia," San Jose Tribune, 2 May 1861, 2.

98 "Recognition of Confederate States," San Jose Tribune, 22 September 1861, 2.

99 "Can the War be Continued," San Jose Tribune, 16 October 1861, 2.

100 "Condition of New Orleans," San Jose Tribune, 29 November 1861, 1; and "Republican Statesmen, Charlatans," San Jose Tribune, 14 February 1862, 2.

101 "Secession Poetry," San Jose Tribune, 22 November 1861, 3.

102 "Message of Jefferson Davis," San Jose Tribune, 10 January 1862, 1; and "Inaugural Address of Jefferson Davis," San Jose Tribune, 11 April 1862, 3.

103 "Important Address of Howell Cobb and Robert Toombs to the People of Georgia," San Jose Tribune, 14 March 1862, 3.

104 "Condition of New Orleans," San Jose Tribune, 29 November 1861, 1; "A Month with the Rebel," San Jose Tribune, 14 February 1862, 1; and "Description of the City of Charleston," San Jose Tribune, 14 March 1862, 1.

105 "Jefferson Democracy," San Jose Tribune, 24 January 1862; and "Military Force Against a State," San Jose Tribune, 28 March, 1862, 2.

106 "Puritans and Intolerance," San Jose Tribune, 28 March 1862, 3.

107 "A Parable from Esther," San Jose Tribune, 11 April 1862, 3.

108 "Freedom of Speech and the Press," San Jose Tribune, 31 January 1862, 1.

109 "Maclay's Traitor Bill," San Jose Tribune, 18 April 1862, 2.

110 "Mr. Maclay's Traitor Bill," San Jose Tribune, 25 April 1862, 2.

111 Ibid.

112 "Maclay's Traitor Bill," San Jose Tribune, 18 April 1862, 2.

113 "The High Law," San Jose Tribune, 21 February 1862, 1; "The Power to Confiscate," San Jose Tribune, 20 June 1862, 2; and "Northern Anarchists," San Jose Tribune, 29 August 1862, 2.

114 "Address of Democratic Members of Congress to the Democracy of the United States," San Jose Tribune, 20 June 1862, 3.

115 Ibid.

¹¹⁶Ibid.

¹¹⁷Ibid.

¹¹⁸Ibid.

¹¹⁹Ibid.

¹²⁰Vallandigham continued to speak out against Lincoln calling him "King Lincoln." As the war neared its end, he lost his appeal. When Lincoln was assassinated he expressed regret because he saw the radical Republicans were less sympathetic. He never held office again and died when he shot himself showing how a murder victim had been shot.

¹²¹"The Political Chameleon of San Jose," San Jose Tribune, 5 September 1862, 2.

¹²²"The Mongrel Ticket," San Jose Tribune, 8 August 1862, 2.

¹²³"The Election," San Jose Tribune, 5 September 1862, 2.

¹²⁴"The Real Issue," San Jose Tribune, 22 August 1862, 2.

¹²⁵"The War and Its Results," San Jose Tribune, 29 August 1862, 2.

¹²⁶"As Seen From a Distance," San Jose Tribune, 5 September 1862, 2.

¹²⁷"Removed," San Jose Tribune, 12 September 1862, 2.

¹²⁸"The Loyal and Disloyal," San Jose Tribune, 26 September 1862, 1.

¹²⁹Ibid.

¹³⁰Ibid.

¹³¹"To Our Reader," San Jose Tribune, 26 September 1862, 2.

¹³²"To the Patrons of the San Jose Tribune," San Jose Tribune, 10 October 1862, 2.

¹³³Aurora Hunt, The Army of the Pacific (Glendale, California: The Arthur H. Clark Company, 1951), p. 336; Arbuckle gives the date of the Tribune's suppression as September 16, 1862; Arbuckle, 401.

¹³⁴Ibid.; Arbuckle gives the date for the relaxation of Wright's orders as May 22, 1863.

¹³⁵Arbuckle, 401.

Selected Bibliography

There are many places in the county to find sources about Santa Clara County during the 1860s. The county museum and archives next to Kelly Park on Senter Road has documents and artifacts pertaining to the county's history. However, most of these documents post-date the 1860s. The University of Santa Clara also maintains artifacts and documents relevant to the county's history. They usually emphasize the history of the mission period, secularization, and the university.

The geneology library at the Santa Clara Public Library on Homestead Road maintains a collection of family histories and county histories. Most of the items in this collection post-date the period of the Civil War. One of the most valuable sources at this library is a microfilm collection of the various U.S. censuses. One part of this collection is a copy of the original handwritten 1860 census for Santa Clara County.

Another excellent source for artifacts and information on county history is the California Room at the main branch of the San Jose Public Library on San Carlos. Although a good library, it contains little information on the 1860s.

Santa Clara County also maintains numerous records. However, information on the 1860s is lacking in the various county agencies. Voting records only date back to 1866. Birth and death records date back to 1873. The County Clerk's office maintains civil records for the period, but none of the criminal records could be located.

Finally, newspapers are excellent sources about Santa Clara's history. A number of newspapers dating from the 1860s are available at the various university libraries in the San Francisco Bay area.

Bibliographic Sources

- Fox, Frances L. A Bibliography of Santa Clara Valley Books and Booklets. San Jose, California: San Jose Historic Landmarks Commission, 1977.
- Gilbert, Benjamin F. "California and the Civil War, A Bibliographic Essay." California Historical Society Quarterly 40 (December 1961): 289-307.
- Gilbert, Charlene A. "Santa Clara County's Historical Museums and Societies and their Archival Holdings of California History." Passports 8 (1984): 13-27.
- Rocq, Margaret Miller. California Local History A Bibliography and Union List of Library Holdings. 2nd ed. Stanford: Stanford University Press, 1970.
- Santa Clara County, California, California Historical Heritage Commission. Santa Clara County Heritage Resource Inventory. San Jose, California: The Commission, 1979.