

The Inner Battle of the Civil War: An Analysis of General Lew Wallace's Views on Slavery

KASEY GREER

The events leading up to the American Civil War radicalized portions of society based on their support or disdain for slavery. Individuals in between these two extremes had to decide where on the spectrum they stood based on their own unique set of experiences. Their opinions frequently evolved as the conflict developed because their exposure to the institution changed as they moved geographically in war time. This paper explores how Union Major General Lew Wallace could move from a Douglas Democrat to an ardent abolitionist over the course of the Civil War while believing his views remained consistent.

In the years preceding the Civil War, the dynamic between slavery and freedom shifted constantly. Faced with emerging radical groups, citizens who identified with neither abolitions nor fire-eaters had to decide exactly where they stood. Lew Wallace, an Indiana native who would become a Major General for the Union army, entered the controversy examining the matter on two levels. While he primarily analyzed slavery in a pro-Unionist, legalistic manner, Wallace also felt some moral indignation about the institution. As Wallace gained more exposure to the institution of slavery, his moral beliefs began to play an increasing role in his decision making, though he remained loyal to his legalistic interpretation throughout the war.

In 1820, Missouri's application for statehood spurred a debate within the United States Congress, and the resulting compromise worked at least somewhat effectively until 1850, when the new land gained from the Mexican War brought the issue of slavery to the forefront once again. This time a new compromise spurred men and women of Wallace's generation to seriously consider their own positions on the slavery issue. Wallace explained in his autobiography that between 1850 and 1854 "...the whole North was alive with *isms*, some purely sentimental, some sounding in morals, each one, however, an army of zealots. Such, to my inexperienced eyes, were the Abolitionists, the Prohibitionists, and the American or Know-nothing party."¹

Wallace's thoughts reflected the chaotic feel of the era. At a time when the country was beginning to divide into various factions, everyone stood for something. Wallace saw the differences between the groups and claimed some stood for legitimate moral causes while others were simply full of emotion. However, at this time he believed that all the groups, including abolitionists, were radical extremists. His use of the phrase "inexperienced eyes" foreshadows the changes his views would undergo in future years.

In 1854, westward expansion raised the issue of slavery in the territories once more. To resolve the resulting arguments, Stephen Douglas introduced the Kansas-Nebraska Act, which overrode the Missouri Compromise line and introduced popular sovereignty in the territories.² This solution prompted bloodshed, and the loss of lives incited serious deliberation about the institution of slavery across the nation.

At that time, Wallace was a young Midwestern lawyer and the son of a former Democratic governor. As such, he focused on the letter of the law when pondering many issues, including slavery. His distance from the institution of slavery allowed him to consider it in a purely intellectual manner. After much deliberation, Wallace designated what he saw as three particularly important aspects of slavery and the country's situation. Only after he evaluated them legally did he allow himself to consider his own personal feelings.

First, Wallace considered, "The South claims the right of a master to go with his slaves into a territory, and hold them there. Should the claim be conceded, every new state must necessarily become a slave state."³ This indicates that Wallace believed the three major Congressional compromises over slavery were legally worthless. After all, if a master could take someone who was already his slave into a territory or state and still claim him as a slave, no new states could be free ones, despite what the compromises promised.

Secondly, he decided, "The South having at last a fugitive-slave law operative throughout the North, every man in

Kasey Greer is a sophomore at Indiana University Bloomington. She is a Herman B Wells Scholar pursuing a degree in history and a certificate in the Liberal Arts and Management Program. She wrote this essay as an intern at the General Lew Wallace Study & Museum in Crawfordsville, Indiana. The Indiana University Department of History awarded this essay the 2011 Willam M. Locke Prize for best undergraduate essay on a topic related to the Civil War.

¹ Lew Wallace, *Lew Wallace: an Autobiography*, vol. 1, (New York: Harper & Brothers Publishers, 1906), 231.

² Maria Daniels, "The Time of the Lincolns: A Shifting Political Landscape," *WGBH Educational Foundation*, 2000, <http://www.pbs.org/wgbh/amex/lincolns/filmmore/webcredits.html>.

³ Wallace vol. 1, 238.

the North is liable to be turned into a slave-hunter.⁷⁴ Slave hunters' ability to search for runaways in the North meant that there was no place within the United States that a former slave could truly be free. Additionally, the Compromise of 1850 legally compelled northerners to become slave hunters, regardless of their beliefs about slavery. This meant totally giving up their convictions to obey the law of the land. The drastic differences between typical northern and southern lifestyles made it less likely for the two factions to coexist peacefully within one country, particularly when one law governed groups with opposite beliefs.

Wallace recognized this incompatibility with the third point he considered. He claimed, "In the nature of things Freedom and Slavery cannot be coexistent, and if Freedom is lost the Democratic party is responsible."⁷⁵ To him, the presence of some slavery made it impossible for true freedom to exist anywhere within the country. Wallace thought the Democratic party cared more for maintaining slavery than protecting freedom, and therefore blamed the Democrats for the eventual demise of freedom. There seems to be a conflict between memory and action here, since despite these beliefs, he remained a Douglas Democrat until after the election of Abraham Lincoln.

Wallace reinforced his belief that freedom and slavery could not co-exist harmoniously within a single country by examining existing laws. He wrote, "The clause in the national Constitution providing for the return of fugitives, meaning fugitive slaves, which, interpreted at length, was a recognition of slavery and indirectly its nationalization as an institution."⁷⁶ In this analysis, Wallace looked beyond the compromises made in the legislature to the highest law in the land: the Constitution. He indicates that because the words found there trumped all other existing laws, recognition of slavery within that document meant it was actually legally acceptable throughout all states.

Wallace did not want to go against existing laws, even if he felt they were unjust. He explained, "Their propriety might be questioned – their impropriety might be agitated – they were always subject to repeal – but while they endured, social good and the life of the republic required every citizen to submit to them."⁷⁷ As a lawyer, Wallace viewed laws as the glue that held society together. He believed it was acceptable to advocate for changing the law, but not to disobey the law while it was still in effect.

At the same time he was debating these issues through the lens of the law, Wallace was also thinking about them on a personal level. He felt very strongly about the maintenance of freedom, which put him personally against slavery. Indeed, he wrote, "As to the first of the specifications, I could not bring myself to defend the institution of slavery. With respect to the second, my sympathies would side with the fugitive against his master. In all nature there was nothing more natural than the yearning for freedom."⁷⁸ He could not defend slavery, since he understood the human desire to be free.

Despite his personal convictions, Wallace was not an abolitionist. In fact, he said of them, "*They* were fanatics and wild men; and, worse, while enemies of slavery, they were also conspirators against the Union."⁷⁹ Wallace's way of preserving freedom for all was through preserving the Union, and his way of preserving the Union was by following the letter of its laws. By not following the slavery laws, the abolitionists were, in Wallace's mind, committing a form of treason by putting their radical beliefs above their belief in the United States, and at that point – in late 1854 - Wallace still thought "...African slavery was more tolerable than treason."⁸⁰

In contrast to the abolitionists, Wallace put his personal convictions aside to uphold the law. Instead of their more radical solutions, his idea for change was simply to change the law. He often wondered why the abolitionists did not try this approach. This would have allowed for preservation of the Union, his true goal. Wallace suggested that in order to keep the country together and deal with the issue, individuals in favor of democracy should not:

...preach maintenance of the law favoring slavery, for that would be favoring the institution, but simply a loyal observance of the law while the law continued in force. Then the Democracy would be defending itself upon the ground of legal right in the owner of a slave, while the opposition would be assailing the Democracy upon the less tangible ground of natural right in the slave. In other words, if the abolitionists hated slavery more than they loved the Union, there were myriads of people open to appeal who loved the Union more than they hated slavery.¹¹

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*, 240-241.

⁷ *Ibid.*, 241.

⁸ *Ibid.*, 238.

⁹ *Ibid.*, 240.

¹⁰ *Ibid.*

¹¹ *Ibid.*, 241.

In this thought process, Wallace saw two sides – those who placed preservation of the Union above all else and those who were most concerned with the abolition of slavery. He did not consider the slave owner who might be more worried about maintaining his way of life than maintaining the Union. This is likely because he still believed the abolitionists would be the ones to start any major conflict. In his thoughts, Wallace did not account for any kind of extralegal battle; instead he thought the conflict would culminate in a courtroom drama, and that those in favor of preserving the Union would be much more able to defend their side than abolitionists.

After seriously weighing these options in late 1854, Wallace decided to support Stephen Douglas's Kansas-Nebraska Act. As a Douglas Democrat, he strongly believed the people of the territories should be allowed to make their own choices about whether or not to allow slavery. Although Wallace thought the national Constitution would trump these compromises if they were ever challenged in court, he still felt that the law should be in the hands of the people. He viewed letting the territories choose their own path as a way to continue hands-on democracy. This seemingly contradictory view indicates the tension Wallace and others felt between loyalty to a political party and loyalty to the legal system.

Though Wallace had made this decision, he, like many of his contemporaries, continued to mull over the issue. Sometime between 1854 and 1856, this thinking brought him to two crucial conclusions. Wallace realized that at some point he would be unable to choose the compromise as his solution; he would have to decide on which side he stood. Due to the complexity and multitude of the controversial issues, this was not an easy task. Wallace analyzed the costs and benefits of freedom, slavery, individual rights, and popular government before reaching his conclusion. Eventually, he decided that he would stay with whichever side would keep the Union intact, regardless of its decision about slavery. This means Wallace, who would become a famous northern general, considered fighting for the South as well as the continuation and spread of slavery, if it meant preserving the Union.¹²

After settling this issue in his mind, Wallace determined that the differences in Northern and Southern lifestyle were too great for the debate to end peacefully in a courtroom. He realized war was inevitable. That being true, Wallace decided that fighting for the side upholding the Union would be a good opportunity for him to both show his patriotism and earn personal military distinction. Therefore, in the summer of 1856, Wallace put his plans for military greatness into action in Montgomery County, Indiana, by starting the Montgomery Guards,¹³ a militia unit similar to many others springing up across the country at that time.¹⁴ He believed commanding this unit would give him the experience needed to climb the ranks quickly once the conflict began.

During the four years after he reached a conclusion, Wallace remained a staunch Stephen Douglas supporter. As such, he attended one of the famed Lincoln-Douglas debates on September 18, 1858 in Charleston, Illinois. Though he went into the debate anticipating a decisive Douglas victory, Wallace left with considerably less faith in the man whose politics he had subscribed to for so long. He said that Douglas's words seemed vague and weak next to Lincoln's definitive support of freedom. Shortly after, Wallace realized this was because Douglas was purposely vague to avoid losing Southern support, while Lincoln spoke of his own strongly held beliefs.¹⁵

Though he continued to support Douglas, Wallace admired Lincoln for maintaining his position despite its unpopularity since he also remained steadfast in his beliefs. Wallace consistently placed preserving the Union over all other issues. His second priority was abiding by the law, and maintaining freedom for all ranked third. Wallace maintained these beliefs and supported the corresponding political candidate. Though his political affiliations changed over the years leading up to the Civil War, it was because other individuals either changed their positions or allowed their true stances to come to light.

In the winter of 1860, Wallace experienced a striking example of the latter instance. With tensions running high after the election of Abraham Lincoln, Indiana's Democratic Party held a secret meeting at the Palmer House in Indianapolis to discuss and decide on its position in any impending conflict. Much to Wallace's shock, they decided that if the Southern Democrats declared war, they would support their fellow partisans before their state or the Union. Furthermore, they spoke of this situation as a certainty, not as a possibility.¹⁶ Suddenly, Wallace understood that it would be the Southerners, not the abolitionists, who would attempt to break the Union. Until this point, he had continued to believe the opposite, particularly after John Brown and twenty-one of his men raided the federal arsenal at Harper's Ferry on October 15, 1859.¹⁷ Interestingly, it seems that Wallace did not acknowledge the legitimacy of the rhetoric long preached by the

¹² *Ibid.*, 243.

¹³ *Ibid.*, 244.

¹⁴ Gail Stephens, *Shadow of Shiloh: Major General Lew Wallace in the Civil War*, (Indianapolis, Indiana: Indiana Historical Society Press, 2010), 11-12.

¹⁵ Wallace vol. 1, 256.

¹⁶ *Ibid.*, 258-260.

¹⁷ *Ibid.*, 257.

fire-eaters until the eve of secession.

Though the Democrats attempted to recruit him because of his military experience, these revelations permanently changed Wallace's political affiliation. Instead of remaining with the Democrats, whom he now believed were traitors, Wallace went straight to the office of Republican governor Oliver Perry Morton. There, he apologized for rebuking Morton several years earlier when he had broken with the Indiana Democrats to become a founding member of the Republican Party. Wallace then offered his services to the North and the state of Indiana, the side which would preserve the Union when the conflict finally erupted.

The long awaited war began on April 12, 1861, when the Confederates fired on Fort Sumter. The next day, Morton sent Wallace a telegram asking him to report to Indianapolis to serve his state and his country.¹⁸ That summons was the beginning of Wallace's rise to the rank of Major General. Through his service, Wallace was able to help preserve the Union and gain personal distinction, just as he had hoped for many years.

Throughout his military career in the Union army, Wallace dealt with slavery in a much more personal way than his Midwestern life had ever allowed. In late 1861, his commanding officers ordered him aboard the *Conestoga*, a naval vessel commanded by Lieutenant-Commander Phelps. Their mission was to obtain a closer look at Fort Henry in preparation for a future battle. It was on this trip that Wallace witnessed his first hunt for a fugitive slave, the very thing he asserted made it impossible for freedom to exist in tandem with slavery. The party on the boat watched the slave and his pursuers, and Phelps dispatched a smaller boat to meet the fugitive and rescue him, if he could make it far enough. In the heat of the chase, Wallace and Phelps shot at the pursuers to give the slave a bit more time to make his escape. Wallace explained:

Now I have heard of hunting slaves with blood-hounds, but never thought of actually seeing such a chase. Sympathy for the fugitive, quickened by impulsive, wrath against his pursuer, whoever he might be, shook me through; and when the dogs doing the barking burst out of the woods, half a dozen of them, and, taking the fence at a bound, came crashing through the frost-burned corn-stalks, I confess to being ready to kill.¹⁹

This incident was obviously a particularly emotional one for Wallace. He personally felt strongly about freedom for all, but in previous instances, his legalistic analysis about preserving the Union and abiding by existing laws superseded those convictions. Witnessing the limitation of freedom up close must have made his legal ponderings seem much less decisive, and for a few moments he let his personal convictions control his actions. The slave did make it to the smaller boat, and eventually he was taken aboard the ship. Wallace writes that he was not returned.²⁰

Interestingly, this is legally what should have happened because the act compelling the return of fugitive slaves was still binding. In this case, Wallace did not abide by the law, since his first priority was still to preserve the Union. In order to do this, Wallace needed to follow the orders of his superiors. His orders did not give him the opportunity to return the slave, but instead required him to continue on with his mission. Once again, Wallace's clear priorities dictated which course of action he would take, though this instance does show tension between his ideals and options for action. Despite the passage of the Confiscation Act of 1861, which allowed Union armies to confiscate slaves as Confederate property, tensions over what to do about fugitive slaves in the seceded states continued to be an issue for many Union commanders until the Emancipation Proclamation took effect in 1863.²¹

Wallace's next major interaction with slaves occurred a few months later in mid-1862. At this point, he was leading his troops on a march to Raleigh, Tennessee, a railroad station about ten miles from Memphis. To maintain morale and comfort, Wallace sent men ahead with orders for the inhabitants along the way to fill water barrels for the troops to enjoy. Many of the residents used their slaves to fulfill this request. Wallace wrote:

As we got on down in the country the colored people were sights to see. They brought the water and filled the barrels. Yankees had no terror for them. Such grinning, such ejaculations, such God-speeds in rich old plantation vernacular the regiments were unused to, and they received them with jokes, and cheers, and such hearty good-will that the sullen gentry on the verandas ought to have been ashamed of their prejudices.²²

¹⁸ *Ibid.*, 260-261.

¹⁹ *Ibid.*, 357-359.

²⁰ *Ibid.*, 361.

²¹ John Butler, "The Civil War" (lecture, Indiana University, 2010).

²² Lew Wallace, *Lew Wallace: an Autobiography*, vol. 2, (New York: Harper & Brothers Publishers, 1906), 583-584.

Wallace personally viewed the slaves with some sense of equality and condemned the southerners for their treatment of them. He did not see any reason for whites to be prejudiced against them, and he even praised the slaves for their fine greeting of the Union soldiers. However, Wallace did allow these slaves to serve him and his men. He did not protest since slavery was still legal, and objecting to it would have been interfering with the law.

In fall of 1862, Wallace had to personally deal with how to interact with slaves and former slaves. He was fortifying the city of Cincinnati, Ohio, against a possible Confederate attack. He claimed, "I stuffed it [the warehouse] full of able-bodied contrabands, intending, if the need were, to use them as laborers. To do them justice, they were willing to earn their rations."²³ By "able-bodied contrabands," Wallace meant ex-slaves. He implemented a plan to gather them and place them all together in a warehouse so they could easily be used for labor if necessary. While this seems to be in sharp contrast to his condemnation of Southerners for their prejudice, he did not base his actions on skin color or status. At the time, Wallace had declared martial law and put all able-bodied Cincinnati residents to work in an effort to defend the city. He was also following orders and the law under the Confiscation Act of 1861, since it allowed confiscated Southern property to be used in support of the Union cause. Though it might have been high-handed, Wallace placed his desire to preserve the Union above his belief in freedom. He temporarily took away a bit of freedom from everyone in order to keep it intact for future years.

On January 1, 1863, Abraham Lincoln took a decisive step towards ensuring freedom for everyone when he issued the Emancipation Proclamation. This made slavery illegal in all the states that had seceded and left Wallace and others like him free to protect former slaves in the South while following the letter of the law. Wallace strongly supported this measure, because he saw it as constitutional since in the eyes of the law traitors' surrendered their property, including slaves.²⁴

However, slavery was still legal in the Border States, including Maryland. In the spring of 1864, Lincoln appointed Wallace as commander of the Middle Department in Baltimore, Maryland. His first duty was to oversee elections to decide whether to change the state constitution and abolish slavery. In holding the election, Maryland was finally following the course of action Wallace had prescribed for the country many years earlier: changing the law. Wallace wrote of his task:

No mentor was needed to tell me why the affair was so alive in Mr. Lincoln's heart; nor, to say the truth, was I unwilling to be identified with the business, my old indifference to the existence of the institution having long since gone the way of my Democracy, making urgency such as I had received wholly superfluous.²⁵

He believed that changing the law was the only way to end slavery without reverting to chaos, as much of the country had. Thus, Wallace was happy to oversee the election. He was also eager to see the law changed. Interestingly, these views are quite different than the ones he touted while supporting the Emancipation Proclamation. At that time, he maintained that freedom for slaves should only occur in rebellious states, not the entire country.²⁶ His prolonged exposure to the institution of slavery had left a bitter taste in his mouth, making it all the more pressing to change the law and ensure freedom. This shift reveals Wallace's overall move to a more radical abolitionist stance as the conflict progressed. With Wallace's help the election went smoothly, and the state amended the long-standing constitution to make slavery illegal.²⁷

This transformation did not sit well with everyone in the state. Many former slave owners wanted to preserve their way of life and did what they could to keep their powerful positions. As a solution to this problem, Wallace issued an order which placed all slaves within the Middle Department under military protection. He then created the Maryland Freedman's Bureau to assist the African Americans further.²⁸ One of the locations was the Maryland Club-house, which the military converted into lodging for former slaves.

It was this Club-house which attracted a mixed-race girl named Margaret (or Maggy) Toogood. She was approximately nineteen years old and from Anne Arundel County. Since her owner could no longer legally hold her as a slave, he followed her and manipulated the law to accuse her of larceny. This accusation allowed him to take her back to his plantation for safekeeping until a trial could ensue. However, instead of following these legal means, the plantation owner

²³ *Ibid.*, 597.

²⁴ Stephens, 140.

²⁵ Wallace vol. 2, 678.

²⁶ Stephens, 140.

²⁷ Wallace vol. 2, 691.

²⁸ Stephens, 169.

dropped all charges once he had successfully returned her to his land. She was a slave once again. Since she had previously run away, he purchased a specially-made chain to go around her neck. It was approximately seventeen inches long and weighed about four pounds. The plantation owner forced her to wear it next to her skin continually for seven weeks.

When Wallace heard of this atrocity, he sent soldiers to bring back the girl and the master. He had a blacksmith remove the chain and then kept it to remind him of her suffering. To punish the master, Wallace forced him to pay 500 dollars into a trust for Margaret. When he refused to pay, Wallace put him in jail until he finally complied with orders, which took about two weeks.²⁹

In this situation, Wallace was finally able to combine his convictions into a single decision. In his position as commander of the Middle Department, he was doing his best to preserve the Union by punishing treasonous plantation owners who valued their traditional way of life more than their country. Since the state constitution now prohibited slavery, he was also following the letter of the law in his decisions. Finally, Wallace was able to extend to former slaves the freedom he believed everyone should have the right to pursue.

Wallace entered into the debate about slavery from a pro-unionist, legalistic viewpoint. As the years progressed and his personal interactions with slaves multiplied, the seeds of moral indignation grew to make him adamantly anti-slavery by the war's end. Importantly, this moral aspect of his position only took root as the laws surrounding slavery changed to make abolition legally acceptable. Throughout the war Wallace stood first for preserving the Union, second for abiding by the letter of the law, and third for freedom for all, though the proportions of their importance changed throughout the course of the conflict. Legal changes allowed Wallace to claim that his beliefs had remained consistent. Nevertheless by the end of the war, the one-time Douglas Democrat had become an ardent abolitionist.

²⁹ Wallace vol. 2, 692-69