NO OREGONIAN has ever been elected President of the United States. The closest the state has come to seeing one of its own in the White House was through its first national election, in 1860, and the man in question was not even listed at the top of the ballot. There was a deliberate attempt to spike the election of Abraham Lincoln in 1860 by denying him the Electoral College votes of New York State. The fear of such an eventuality drove a significant portion of the narrative during the campaign, as Republican activists repeatedly warned that the ensuing constitutional process would culminate in the selection of Oregon Senator Joseph Lane as Acting President. This outcome would have had incalculable implications for the entire sociopolitical trajectory of the nation. In the short term, it likely would have short-circuited the immediate secession of the South, as its advocates hoped and intended. The Union itself, however, was so compromised by that point that the sectional confrontation over slavery could not have been resolved, only postponed. The likelihood is that Acting President Lane would have inherited a snowballing extra-constitutional crisis in the North, just as President Abraham Lincoln did in the South.

The experiment of the United States as a united nation that was born in Philadelphia in 1787 had come to the end of the road by 1860. Although sharing a common heritage, the people on either side of the sectional division between North and South inhabited two distinct and incompatible nations. The break had to come. The only questions were when, where, and on whose terms the ensuing war would take place. The impasse’s origins lie in the incorporation of states on either side of a line of latitude into a
Sen. Joseph Lane, pictured here in about 1855, ran for Vice President of the United States with running mate John C. Breckinridge for President. If Abraham Lincoln had failed to secure a majority in the Electoral College, a possible ensuing scenario would have had Lane taking office as the sixteenth President of the United States.
single federal union. South of that line, the climate allowed for development of an economy based on slave-labor production of cash crops. North of that line, a diversified, free-labor economy driven by trade, commerce, and industry evolved. In this way, the United States encompassed not one but two nations, Northern and Southern, their rival philosophies traveling in lockstep with the settlers who pushed west. Each section jealously asserted its privileges. Each conflated the national interest with its own interest. Each internalized a paradigm whereby its own control over the federal government represented the sole legitimate authority. Accordingly, control by the other side was illegitimate — not government in the national interest but government by a sectional interest that violated the social contract. This rationale ultimately justified, in self-defense, a policy of sectional resistance that incorporated a language of nullification and disunion that, as Elizabeth Varon notes, “was pervasive in antebellum rhetoric among Northerners and Southerners alike.”

Rather than speak of the nullification crisis, therefore, it would be more accurate to speak of a succession of nullification crises, driven by whichever section believed its interests to be threatened when federal power was monopolized by the other. Given Northern grievances at being dominated by the “Slave Power” from 1787 through 1860, it is unsurprising that most manifestations of nullification emanated from there prior to 1860. In the span of less than a decade, three measures undertaken by a succession of administrations beholden to Southern interests — the Louisiana Purchase of 1803, the Embargo Act of 1807, and the War of 1812 — drove Federalist New England to the brink of secession. The revolution in Texas set in motion a
fresh round of Northern resistance to the incorporation of slave territory into the Union. This resistance was further inflamed during the 1850s by Northern resentment toward the Fugitive Slave Act.

The North’s most aggressive reaction against the hegemony of the “Slave Power” was the abolitionist movement, which had been actively agitating against the Union since at least the 1830s. Until the firing on Fort Sumter that ignited the Civil War, there was also a much larger cross-section of mainstream Northern opinion that reserved the right of disunion, including office holders and shapers of public opinion, such as publishers Henry J. Raymond of the New York Times and Horace Greeley of the New York Tribune. By 1860, anti-Southern sentiment was prevalent enough to have created a self-conscious “North” that was defined principally by the absence of slavery. While many Northerners still hoped for sectional reconciliation within the Union, many others had arrived at a put-up-or-shut-up attitude toward Southern threats of secession.

The conflicted loyalties of the American citizen body were reflected in the fractured partisan rivalries of the presidential election of 1860, the last occasion on which four separate parties would win votes in the Electoral College. Lincoln of Illinois was the candidate of the Republican Party, whose platform included prohibiting the expansion of slavery into the federal territories. Sen. John Bell of Tennessee was the candidate of the Constitutional Union Party, whose advocacy for compromise was made clear in its slogan, “the Union as it is, and the Constitution as it is.” By the time the Democrats convened in April at Charleston, South Carolina, to select their nominee, the party had reached an impasse over the sectional issue of slavery and its status in the territories. Unable to agree on a candidate, the convention broke up, pledging to reconvene in Baltimore, Maryland. There was no consensus at that second conclave in June, either, and the Democratic Party fractured into rival camps. The majority faction supported Sen. Stephen Douglas of Illinois and his platform of popular sovereignty in the territories. The minority faction, endorsed by President James Buchanan, rallied behind Vice President John Breckinridge and his running mate, Sen. Joseph Lane of Oregon, who pledged guarantees of federal protection for property rights—that is, the right to hold enslaved people—in the territories demanded by the Southern states.

Oregon, which achieved statehood on February 14, 1859, had joined a Union that was in the process of disintegrating. In summing up the local perspective on the defining national crisis several years before the war began, the state’s leading newspaper confidently asserted: “The people of Oregon are eminently National in their sentiments and attachments, and whether she enters the Union slave or free, she will be a conservative National State,
and in every emergency will stand by the Union and the constitution as they are." Nevertheless, Oregon was not immune to the sectional issues dividing the nation. In a bid to preempt conflict over the issue, on two separate occasions (1843 and 1848) the Provisional Legislature of Oregon Territory declared slavery proscribed on the grounds it was incompatible with the Northwest Ordinance passed by the Confederation Congress in 1787. In 1853, furthermore, George Williams, Chief Justice of the Territorial Supreme Court, ruled that enslaved people were effectively emancipated when they entered the territory because there was no extant legal framework to uphold slave-owners’ rights. This did not end agitation over the subject, however, as Williams noted:

Many of the emigrants to Oregon before the formation of the state government were from Missouri, Tennessee and other Southern states, and were favorable to slavery and were anxious to have Oregon made a slave-holding state. They were generally holders of donation land claims consisting of 640 acres, and they not only wanted slaves for household servants and to cultivate their lands but they wanted as far as was possible to create and preserve an equilibrium between the slave-holding and the non-slave holding states.

Another contemporary, the Reverend Ezra Fisher, also observed: “A large portion of our members are from slave-holding states, and a larger portion are professedly opposed to slavery, ‘but all their sympathies are with the South.’ What a paradox!”

In Douglas, Jackson, and Josephine counties, carved out of the Umpqua and Rogue River valleys in the state’s southern tier, there was considerable support for slave interests. The region sent pro-slavery representatives — such as Jackson County attorney William G. T’Vault, editor of Oregon’s first newspaper, the Oregon City Spectator (1846–1855) — to the inaugural session of the State Legislature when it met in May 1859. T’Vault, who was elected by his fellow representatives as the first Speaker of the House, took part in an attempt during the mid 1850s to carve a “Territory of Jackson” from southern Oregon and the counties adjacent in northern California that would be friendly to slave-holding. Additional high-profile, pro-slavery Democrats to hold public office included Matthew Deady, a member of the Territorial Supreme Court prior to being elected president of Oregon’s Constitutional Convention, and John Whiteaker, who served as the state’s first governor.

The introduction of slavery to Oregon had ultimately been defeated by a vote of 7,727 to 2,645 in an 1857 referendum on the state constitution; free African Americans had been excluded by an even wider margin — 8,640 to 1,081. Even this did not resolve the question. In the final session of the Territorial Legislature, a majority report was advanced by the Judiciary
Committee defining enslaved people, in accordance with the Supreme Court decision in the 1857 *Dred Scott v. Sandford* decision, as tax-assessable property and making it a penal offense to shelter a slave without the owner’s consent or to facilitate the escape of a slave from the territory. The bill was passed by a four-vote margin in the council but was never brought to the floor of the House. The hotly contested debate over Oregon statehood finally passed the U.S. House of Representatives on February 12, 1859, by a margin of 114 in favor to 103 opposed, with 73 of 88 Republicans opposing admission and 41 of 57 Southern Democrats in favor.

The Democratic hegemony in Oregon was clearly reflected in the makeup of the first state legislature, where twelve Democrats constituted the majority in the sixteen-member Senate, and twenty-nine Democrats vastly outnumbered the four Republicans in the House. Opposition to the Democratic stranglehold over public office in the state had only slowly coalesced during the second half of the 1850s. The first Republican address to the people of Oregon was published in the *Oregonian* on April 18, 1857. But the partisan picture remained confused by the cross-cutting imperatives of policy and personal loyalties. “We have three political parties here now,” David Logan wrote on January 14, 1858. “The whole number of votes in the Territory is about 12,000,” of which 5,000 “are opposition composed of old line Whigs, Black Republicans, Know Nothings &c.” The remaining 7,000 were Democrats, but “divided into the ‘Salem Platform Federal Democrats’ and the ‘Cincinnati Platform Democrats’.” A key turning point was reached when the “Salem Clique,” the inner circle of Democratic powerbrokers in Oregon led by Asahel Bush, editor of the *Oregon Statesman*, finally broke with Lane. Lane’s support for the Buchanan administration and the Lecompton Constitution, his failure to push Congress to support Oregon statehood, and his unwillingness to follow Bush’s lead on federal contracts for territorial printing all contributed to the breach.

Lincoln’s correspondents in Oregon kept him well informed of this development and its implications, as historian Richard W. Etulain has shown. As Anson G. Henry defined the situation, Lane was leader of the “Pro slavery wing of the Democracy, & their old Democratic Champion (the editor of the ‘Oregon Statesmen’ [Bush]) [was] leading the free state wing.” Given the opportunity afforded by this division in the Democratic ranks, “the Republicans, who compose one third of the voters . . . ought to unite with the true old fashioned democracy.” Another commentator, Simeon Francis, anticipated that the “Anti-Lecompton democrats will get about the same number [of votes]” as Republicans in the upcoming elections for the State Legislature, and “together they will elect the two Senators.” Oregon Republicans were uniquely positioned to capitalize on this Democratic
disarray because they were more likely to follow Douglas’s commitment to popular sovereignty than Lincoln’s desire to prohibit expansion of slavery.\footnote{27}

On April 19, 1860, Edward Baker, a rising Republican star, advised party members in Marion County to abstain from nominating a candidate in local elections. “The canvass [campaign] will drive into opposition those Democrats who are really with us in principle, whereas, if we fall in with them at the election they will almost be compelled to unite with us to save themselves from defeat by the friends of the [Buchanan] Administration . . . the Douglas men are at heart with us and we shall need their help. . . . The old Democratic barrel is falling to pieces and why should we who need some of their staves hoop them together?”\footnote{28} Through the selective application of such tactics, thirteen Republicans were elected to the state legislature in a loose alliance with eighteen Douglas Democrats, against nineteen Lane Democrats. After failing to arrive at sufficient majorities for any candidate during ten ballots on October 1, on the fourth try the following day, that body elected to the U.S. Senate Douglas Democrat James Nesmith, by twenty-seven votes to twenty-two, and Republican Edward Baker, by twenty-six votes to twenty.\footnote{29}

The ideological flexibility on the part of the Republicans in Oregon had paid off. In justifying making the deal to elect a Republican Senator in exchange for one of their own, Douglas Democrats insisted: “In voting for Col. Baker, we were influenced, to some extent, by his well-known position upon the question of slavery in the Territories — a position differing but little from that of our own party.”\footnote{30} Both sides viewed the result as a victory. Bush, who saw the outcome as a harbinger for the presidential election, was elated.\footnote{31} Republicans nationwide hailed the result. “The geographical paradox of a Southern State in the extreme Northwest is therefore extinguished,” the New York Times exulted; “Oregon is henceforth a free-labor State.”\footnote{32} Lincoln did carry Oregon, but only by the slimmest of pluralities over Breckinridge and Lane; Douglas was a distant third.\footnote{33}

On the face of it, the Democrats appeared to have handed the presidency to Lincoln through their failure to unite behind a single candidate. But the rival delegations at Baltimore may have had the advice of the Memphis Daily Avalanche in mind — that they should make nominations “which may not triumph at the polls, but which will win [in] the House of Representatives.”\footnote{34} Although none of Lincoln’s opponents could realistically hope to win the election outright, the splintered and conflicted political environment created the possibility that no single candidate could secure a majority in the Electoral College, thereby deferring the decision to Congress. “The whole canvass hinges upon this — the election of Lincoln by the people, or the election of Breckinridge by the House, or of Lane by the Senate,” the Chicago Press & Tribune concluded in July. “The real contest, therefore, is between
Note the presence of Delazon Smith, elected with Joseph Lane to serve as Oregon’s first U.S. Senators, at the head of this Democratic ballot from the 1860 election. Despite the presence of Lane on the Breckinridge ticket, Lincoln won Oregon’s three electoral votes — by a margin of just 270 votes.
Lincoln on the one hand, and Breckinridge or Lane on the other. One of these three men is destined to be our next President.”

There was precedent for such an outcome. Two presidential elections in the history of the young republic — those of 1800 and 1824 — had been decided in the House. The possibility of a third such outcome loomed over the campaign of 1860. “My Republican friends are confident that Lincoln and Hamlin will be elected by the people,” Ohio lawyer and future President Rutherford B. Hayes noted in his diary the day after Douglas and Breckinridge were separately nominated. “I have a good deal of apprehension on the subject. I fear the election will go to the House.”

The Electoral College in 1860 was composed of 303 votes, making 152 the threshold for a majority. Collectively, the fifteen slave states constituted only 120 electoral votes to the eighteen free states’ 183; therefore, the anti-Republican imperative was to detach a minimum of 32 electoral votes from the North. After the Republican convention rejected New York’s favorite son, Sen. William Seward, it was apparent to strategists on all sides that the Empire State offered the best opportunity to derail the Lincoln bandwagon. Stripping its 35 votes in the Electoral College from the Republican candidate would almost certainly deny him a majority. As the New York Herald observed: “New York is the key to the White House, and if not seized to shut out Lincoln, it will be used to let him in.” New York had been endowed with

This flyer issued by the Breckinridge and Lane campaign reiterates its core message — that in upholding the sanctity of private property, they are the defenders of the Constitution and the Union, in defiance of the radical alternatives that, if elected, would provoke secession and civil war.
such salience by its socioeconomic evolution, which had set it on a unique political trajectory. While the other major urban centers of the North, from Boston to Philadelphia, were all Republican bastions, New York City was overwhelmingly Democratic. The city’s business community had a vested interest in the low-tariff platform of the Democratic Party and strong commercial ties with the South, while the immigrant communities (led by the Irish) held fealty to the Democratic machine politics of Tammany Hall.

New York City Mayor Fernando Wood was the key advocate for fusion of the anti-Lincoln forces. Wood’s biographer, Jerome Mushkat, notes that Wood used his mouthpiece, the *New York Daily News*, to insist that the party form a “union against the common foe on the basis of opposition to the tenets of Republicanism.” He traveled to Washington, D.C., and personally importuned Buchanan, Breckinridge, and Douglas to support a common slate of electors in New York. Meeting with no success, the mayor openly published a letter arguing that Douglas and Breckinridge must “each . . . run singly where he has the most strength,” resulting in a combined Electoral College majority that would keep Lincoln from winning. According to Mushkat, the mayor concluded that “even if no agreement [on Electoral College votes] could be reached, the party could throw the election into the House of Representatives and [thereby] choose a Democrat.”

On August 9, Douglas’s campaign chairman, August Belmont, wrote to Bell (of the Constitutional Union Party) partisan Blanton Duncan in Louisville, noting with approval the “entente cordiale” between the two camps in Kentucky and expressing his confidence in arriving at “a complete union with the Bell & Everett men in our State.” Belmont continued:

This State must be the battle ground of the Presidential campaign — If we can carry New York the defeat of Lincoln is certain, and either your ticket or ours must be successful. I for my part shall be satisfied with either result. *Every Union man throughout the extent of our Republic* must be deeply interested in the success of the Douglas ticket in our State and should contribute largely to that result.

On August 13, Bell’s paper, the *Louisville Daily Journal*, publicly expressed the Constitutional Union Party’s endorsement of a negative electoral strategy — blocking the election of Lincoln, by any means necessary, and throwing the decision into Congress:

What is chiefly wanted now by the friends of the Union, the Constitution, and the Enforcement of the Laws, is that Lincoln may not be elected. . . . If this result can be prevented, and the election devolved upon Congress, most certainly neither Lincoln nor Breckinridge will be elected; and there is good reason to believe that Bell will be. Thus the great need of our friends is that as many Northern States as possible shall be wrested from the Republicans. It matters little how they go, so [long as] they don’t go for Lincoln.

*Sheppard, “Union for the Sake of the Union”* 511
After protracted haggling, a joint Douglas Democratic and Constitutional Union ticket was formed in New York on August 17. Although this step was progress, as the New York Times noted, without the incorporation of the Breckinridge loyalists, “its sacrifice is not complete enough to be magnanimous, nor bold enough to be effective.” And Breckinridge was playing extremely hard to get. In mid September, his representatives broke off negotiations and issued an address imploring “the more than one hundred thousand old adamantine hard-shell national democrats of this State” not to follow Douglas down “the road towards the free soil republican camp.”

Reflecting mounting Southern alarm, the New Orleans Daily Crescent observed Lincoln’s election was certain “unless steps be immediately taken to concentrate the entire opposition to him upon one ticket in the Empire State of New York.” This was now “the only remaining hope of our people for deliverance from the evils that are impending over us.” Speaking “[on] behalf of the people of the South of all parties,” the paper urged “New York, whose electoral vote is sufficient of itself to turn the scale, to throw herself into the breach, and avert the dire calamity to the South and the Union of the triumph of a party justly obnoxious to the people of one-half of the Confederacy.” In the end, Wall Street business leaders forced the squabbling Bell, Douglas, and Breckinridge tickets to cooperate by making clear, in Belmont’s words, they would only contribute “the necessary sinews of war” when a fusion ticket had been announced. On September 24, a committee of fifteen representing all the vested interests drew up a Fusion ticket of 18 Douglas, 10 Bell, and 7 Breckinridge electors. By mid October, the Douglas State Committee, Bell State Committee, and Breckinridge State Committee had ratified the ticket. “There would not be the shadow of hope for the most sanguine supporter of oppression were it not that the great commercial mart of the Union contains so many worshippers of Mammon,” the New York Evening Post groused.

Republicans, previously so confident, were now genuinely alarmed. “I must confess I feel some anxiety about New York,” Elihu Washburne wrote to Lincoln after discussions with operatives in the state. With the race heating up, George Morgan reported “an increase of bitterness in the political warfare now being waged in New York City” to his cousin, New York Governor and Republican Party national chairman Edward Morgan; “the effect of the Press and the traders of the South upon the vote . . . will be large.” Douglas’s lieutenant in New York, George Sanders, wired his chief on October 18 that “our city is now at white heat, the result doubtful. We are gaining so rapidly that it is impossible to foretell the result.” Time was the critical factor: “if we had three weeks more upon them, we would beat them [by] 50,000.”
The Fusion campaign was too little too late. The ticket carried New York City by an overwhelming margin, but it was not enough to outweigh the electoral avalanche for Lincoln upstate. The failure of Fusion to stem the Republican tide in New York made the secession of the South inevitable. Yet it remains one of the most intriguing “what-ifs” of American history. What if the Fusion agreement had been arrived at earlier and with better grace by the participants? What if the campaign had been better funded or coordinated? Above all, what if it had succeeded?

**HAD THE SCALES** ultimately tipped against Lincoln in New York, and assuming the electoral vote of the state was distributed according to the ratio determined by the Fusion agreement and all other outcomes being the same, the adjusted final returns would have given the combined anti-Republican candidates 158 Electoral College votes to Lincoln’s 145, thereby denying Lincoln the outright majority specified by the Twelfth Amendment to the Constitution as necessary for election to the presidency (see table 1).

Under the Constitution, the lame duck 36th House of Representatives elected in 1858 would be called on to select the President should the Electoral College have failed to do so. The 36th House comprised 114 Republican representatives, 86 Democrats, 7 Independent Democrats, 5 Anti-Lecompton Democrats, 19 former Whigs who now constituted the Opposition to the Democrats in the South, and 5 Americans (see table 2).

No party held a majority in the House, and more importantly, no party had a majority of the state delegations that would vote as blocs for the next president. The Democrats controlled twelve states, the Opposition only Bell’s Tennessee, with the delegations of three states evenly divided — Kentucky and North Carolina between the Democrats and Opposition, Maryland between the Democrats and Americans. As the *New York Tribune* warned

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**TABLE 1:** ACTUAL AND ADJUSTED RETURNS IN THE 1860 ELECTORAL COLLEGE

<table>
<thead>
<tr>
<th></th>
<th>Lincoln</th>
<th>Breckinridge</th>
<th>Bell</th>
<th>Douglas</th>
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<tr>
<td>Actual</td>
<td>180</td>
<td>72</td>
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<td>12</td>
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<tr>
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<td>Adjusted</td>
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<td>Ind. Dem.</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>114</td>
<td>86</td>
<td>7</td>
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</table>

during the campaign, “none of the candidates now running for President has a majority of the Constitutional Vote in Congress. Mr. Lincoln has considerably more strength there than any rival,” but the Republican tally of sixteen states would have fallen two votes short of the eighteen required to achieve an absolute majority, and how this deficit could be made up “we cannot perceive.”

The House was permitted to only choose among the first three ranked finalists in the Electoral College, eliminating Douglas despite his finishing a clear second in the popular vote. How Douglas would have responded under this scenario remains a mystery. On October 16, 1860, the New York Times published a letter stating that Douglas had told a friend: “By God, sir, the election shall never go into the House — before it shall go into the House, I will throw it over to Lincoln.” On November 5, however, just one day before the election and while speaking in Mobile, Alabama, Douglas was asked “if the election should be thrown into the House of Representatives and it should be apparent that Douglas could not be elected, to whom would he throw his support, Lincoln or Breckinridge?” He answered:

No event or contingency could possibly happen in which I would advise any friend of mine to vote for Abraham Lincoln or could any event or contingency possibly happen in which I would advise any friend of mine to vote for John C. Breckinridge.

Given the commitment of Douglas to the Union after the Republican victory in 1860 — to the extent of holding his fellow Illinoisan’s hat during Lincoln’s inauguration — and the mutual loathing between Douglas and President James Buchanan, it is conceivable that he would have preferred the election of Lincoln over Breckinridge by the House if such a contingency emerged.

Another alternative would be for moderates in the House to find common ground in rejecting both Lincoln and Breckinridge and engineering the election of Bell — the exact scenario he had been positioning for since the announcement of his candidacy. In the event of such a “lucky chapter of accidents” deadlocking the Electoral College, the Annapolis Gazette editorialized during the campaign, “the only compromise upon which the House will be able to agree for President will be John Bell.” Southerners were acutely aware of the risks in allowing the presidency to be decided by the House. The Tuscumbia North Alabaman fretted, for example, about not having “the assurance that opposing elements can be brought to cooperate in the House of Representatives.” Should the contest be narrowed to Lincoln versus a representative of the slavery interests, the newspaper’s editors feared that the “exasperated” Northern representatives might vote against the latter.

Southern concern centered on Illinois, where Douglas Democrats had a five-to-four margin over the Republicans in the Congressional delegation.

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J. Henley Smith reported to Alexander Stephens that one of their number, Rep. Isaac N. Morris, who had vowed he would vote for none but Douglas, would ultimately cast his lot with the Republicans, giving them the edge and another vote for Lincoln, who would then have seventeen states, just one short of a majority.\textsuperscript{57} Attention then would have focused on Lansing Stout, Oregon’s sole Representative in the House. Exactly where his loyalties lay in 1861 is difficult to determine. Although a minority of delegates at the April 1859 Oregon Democratic convention, Lane’s emissaries patched together a majority for the nomination of Stout for Congress.\textsuperscript{58} According to the \textit{Weekly Oregonian}, Stout owed his nomination “directly and positively for two considerations: first, Stout was, and now is, a pro-slavery man, a Lecompton Constitution, Buchanan Democrat; and second, because he is for Jo Lane, and Jo Lane alone.”\textsuperscript{59} Further complicating the equation, Stout had won election to the House on June 27, 1859, by a margin of just sixteen votes over the Republican candidate, David Logan (the son of Abraham Lincoln’s former law partner, Stephen T. Logan).\textsuperscript{60} The Republicans were contesting the election. “There was the usual amount of fraud in the strong Democratic counties,” the \textit{Chicago Press & Tribune} insisted, “and it is capable of proof that in several precincts the voting was altogether informal and illegal.”\textsuperscript{61} If selection of the President were deferred to the House, the Republicans intended to press the case against Stout, unseat him, and claim Oregon and thereby the last vote they needed to secure the election of Lincoln. To prevent that, J. Henley Smith reported to Alexander Stephens, the Democrats were determined “to sit in the House and call the ayes & nays on motions to adjourn till Congress expires.”\textsuperscript{62} In other words, the South retained the power to exercise a veto over the entire process through the Constitutional specification that a quorum of two-thirds of the states must be present for the ballot to be effective. Even if there was no real prospect of electing Breckinridge or Bell, simply by not showing up, the South and its allies could spike the House vote indefinitely and prevent the election of anyone else. Had the House failed to secure a majority for any one candidate by the due date, attention would have shifted to the Senate as the forum of last resort. The Senate would be restricted in its choice to the top two ranked contenders for Vice President, eliminating Douglas’s running mate Herschel V. Johnson and Bell’s running mate Edward Everett. Of the two available choices, Democratic Senators would never have voted to seat Lincoln’s running mate Hannibal Hamlin as Acting President, even though he had been one of their number until 1856. The Republican Vice Presidential nominee was labeled an apostate by his former party, which he, in turn, by then considered a “putrid mass of moral leprosy.”\textsuperscript{63}
By process of elimination, therefore, the Senate would have arrived at Breckinridge’s running mate, Sen. Joseph Lane of Oregon. The Charleston Mercury asserted in July that in the event of the electoral process’s being transferred to Congress for a decision, “we incline to believe that it will end in Gen. Lane being President of the United States.” The Richmond Enquirer predicted the list of candidates brought forward for the consideration of the House would be Lincoln, Breckinridge, and Bell. Because it was likely none of these could command a majority of the states, “the conflict would thus be transferred to the Senate,” where the Democrats maintained a clear majority, holding thirty-eight seats to the Republicans’ twenty-six (with two Know Nothing Senators and the two seats from Kansas still vacant). Accordingly, “it is demonstrable that Lincoln cannot be elected, and that in case of no election in the House, Joseph Lane will be elected by the Senate.”

Republican strategists worked the numbers and came to the same conclusion. The intent of Fusion was “to throw the election into the house, where no one party has a majority, and where there can be no election,” the Janesville, Wisconsin, Daily Gazette explained; in such an eventuality, “the choice of a vice president, who will become president, devolves upon the senate.” Therefore, “it follows that either Lane or Hamlin will be the next president, if there shall be no choice by the people.” The machinations of Fusion “can be defeated only by the popular vote,” the Chicago Press & Tribune concurred, “for if Lincoln is not elected by the people, no man will be.” The stakes were too high for this to be allowed to happen. “At no other period in our national history would the failure to choose a President by the popular voice have been fraught with so many damages and anxieties as the present,” because the Democratic minority in the House would “prevent a vote for President up to the fourth of March, when the session expires by limitation of the Constitution, and the election is turned over to the Senate.”

Republican orators hammered home this theme of “Lincoln or Lane” on the stump, returning again and again to an extra-constitutional theme of democracy versus oligarchy. The Philadelphia Press added its voice to exposing and condemning the Fusion plan:

The dark and fatal plot concocted by James Buchanan, Jefferson Davis, John C. Breckinridge and Jo. Lane [is] to throw the decision of the next presidency into the Congress of the United States. . . . These men hold the Senate of the United States in their hands as their fief and can wield it against the North . . . like a ponderous instrument of mischief; and they are now exulting upon what they conceive to be the certainty of giving to the Senate the choice of the Vice President, who shall be President for four years from the fourth of March 1861.
Other newspapers agreed. According to the New York Herald, “in the event of the election going into Congress, the chances are decidedly in favor of the conclusion that General Lane, as Vice President elected by the Senate, will, by default of the House, become our next President.” The New York Tribune pointed out that by the time the contest reached the House, only three weeks of the session would remain in which to deliberate on the choice of President. “None but simpletons believe that the House, during those three stormy weeks, would ever come within long cannon-shot of the question of electing a President.” The “inevitable” result, therefore, of the victory of Fusion in New York would be the election of Lane by the Senate. The South could not have hoped for a better outcome, for Lane’s formative years in the region defined his ultimate political loyalties. Born in Buncombe County, North Carolina, he spent his first three years in that state and his later childhood in Kentucky. Although he served for decades in public office on free soil, his sympathies would always lie with the slave-owning plantation class among whom he was reared.
The trajectory of Lane’s political career was marked by ambition and achievement from an extraordinarily young age. Just twenty-one years old when he first took a seat in the Indiana House of Representatives, he served in that body from 1822 to 1823, 1830 to 1833, and 1838 to 1839. He then moved up to the Indiana State Senate, where he served from 1839 to 1840 and from 1844 to 1846. Elected Colonel of the 2nd Indiana Volunteer Regiment on the outbreak of war with Mexico, he was wounded twice in action, promoted to Major General, and served with distinction at the battles of Buena Vista and Huamantla. Appointed Governor of the new Oregon Territory in 1848 and then elected Oregon’s territorial representative to Congress in 1851, 1853, 1855, and 1857, Lane’s career arrived at its natural apotheosis on July 7, 1859, when he was elected Oregon’s first U.S. Senator with forty-five votes and four blank ballots.74

Lane’s identification with Southern interests had been clearly signaled in 1856, when Massachusetts Sen. Charles Sumner delivered a speech, attacking the slave powers, and Rep. Preston Brooks of South Carolina responded by beating him on the Senate floor. Lane subsequently backed Brooks in two duels proposed, but ultimately not undertaken, with Massachusetts men.75 Lane was unwavering in his support of the Buchanan administration and the admission of Kansas into the Union under the Lecompton Constitution, arguing: “Let us not do injustice to our friends of the South, now, and for all time.”76 To Lane, the fundamental principle at stake was sectional equality under the U.S. Constitution. As he put it: “The Union was not formed by force, nor can it be maintained by force.” Because he viewed the Union as a voluntary association of sovereign states, Lane believed that, should their rights be compromised, “there is no power that can keep them together, or that should attempt it.”77

Had sectional interests not fatally compromised established partisan loyalties during the 1850s, Lane’s experience and ability would have made him a genuine contender for the presidency in 1860 through the conventional channels of the two-party system.78 Although he was one of six individuals put forward as a challenger for the Democratic presidential nomination that year, Lane did not attend the ill-fated convention in Charleston, South Carolina. His support peaked at a “high of twenty and one-half votes but dwindled to fourteen votes by the fifty-seventh ballot,” after which the conclave — and the party — broke up.79 After his selection as Breckinridge’s running mate, Lane’s sole direct contribution to the campaign in New York was a brief visit to the headquarters of the National Democratic Volunteers at 751 Broadway. He was serenaded at his hotel that evening; the torch-bearing procession led by a band that “soon attracted quite a large gathering of peple.” Lane thanked members of the association for their support but reiterated he “would not
enter this canvass for the purpose of making political speeches; that I will leave to others.”

It was considered beneath the dignity of the office for a presidential aspirant — or even his running mate — to seek the office on his own behalf. Lane played just a slight role, if at all, in the machinations that culminated in the Fusion arrangement in New York, and he gave only a limited number of public statements during the campaign, reiterating his commitment to slaveholder interests.

He embraced without qualification the Buchanan-Breckinridge platform, which “embodies what I have been contending for as the only means of stopping sectional agitation, by securing to all equality and constitutional rights. . . . Non-intervention on the subject of slavery, I may emphatically say, is the cardinal maxim of the Democracy.” The Constitution “establishes the right of every citizen to enter the common territory with whatever property he legally possesses.” It therefore “necessarily devolves on the Federal Government the duty to protect this right.” He accordingly pledged “to commit to the people, to climate and to soil, the determination as to the kind of institution best fitted to their requirements.”

In a speech at Covington, Kentucky, Lane asserted the Buchanan-Breckinridge platform was the only one to abide by the Constitution and its original intent to guarantee the sanctity of private property. “The issue was whether or not all the people should have equal rights in the common Territories.” To cries of “That’s the doctrine!” Lane insisted “any man, from any State, had the right to enter a Territory with whatever was property in the State from which he came.” Accordingly, no compromise of this right could be tolerated, from any quarter. Lane condemned not merely “the infernal purposes of the Lincoln Party” but also the Douglas doctrine of popular sovereignty — “the sheerest nonsense ever uttered by mortal man.”

It was the North, not the South, that threatened to upset the sectional balance. “Suppose a Territory should be organized, the Legislature of which prohibited every Northern man from bringing into it his horses, oxen and machinery, what would be the feeling of the great North? Would they submit to it? Not for an hour. Yet it was a parallel case for the Northerners to say, ‘We will exclude the Southern men and their property from the Territory!’”

Lane made no secret of where he would stand should Northern sectional aggression culminate in the dissolution of the Union. During the course of a brief excursion to North Carolina during the campaign, Lane took the opportunity to visit his father’s birthplace, about six miles from Raleigh. Dining with relatives that evening, he condemned “the fanaticism that engrosses the mind of the masses of the North” and announced himself to be the “firm friend” of the Union “that would guarantee equal rights and equal privileges to the people of every State and Territory. He was not for Union upon any other terms; a Union that did not protect the rights and privileges of all was
not worth preserving.” In comments made public by the New York Times, he assured his hosts: “Should your rights ever be invaded, should your property ever be endangered, should your lives ever be jeopardized, I would fly to your relief from my far-off Pacific home and give all the powers of my arm and my head in your defence [sic], in defence [sic] of the rights of the South.”

Given his evident sympathy toward Southern interests, many in the Fusion campaign pinned their hopes on the accession of Lane to the White House as the means to thread the needle of the impending sectional crisis. “In the not improbable event of the election being thrown in the House, and the failure of that body to elect, he will become the acting President,” the Middletown, New York, Banner of Liberty informed its readers, “and the beau ideal of our hopes, so often expressed, be realized.” Other Northerners, of course, harbored an equally intense dread of precisely this scenario. “The Presidency must either fall to Abraham Lincoln or Joseph Lane,” the Mauston, Wisconsin, Star warned: “On all sides, among Northern people, Lane’s accidental elevation to the Chief Magistracy of the United States would be lamented as the severest calamity of such a kind that could befall the nation.”

This antipathy towards Lane was validated by his statements after Lincoln won the presidency. On election night, according to Assistant Secretary of State William H. Trescot, Lane urged the South to secede at once, offering to rally 50,000 men to the cause if necessary. Two days later, Secretary of War John B. Floyd quoted Lane as having concluded that any further attempt to reason with “the antislavery feeling of the North was hopeless, and that nothing was left to the South but ‘resistance or dishonor.’ He thought disunion inevitable, and said that when the hour came that if his services could be useful, he would offer them unhesitatingly to the South.”

In December, Lane bluntly asserted on the floor of the Senate, “if dissolution comes, it will come for reason; it will come for right.” Any attempt to sustain the Union by force would therefore mean “inaugurating a policy that will drench this country in blood. The man that will do it will be looked upon as the worst murderer that ever disgraced humanity.”

“If we will not deal fairly by our Southern friends,” Lane informed the Senate in early January 1861, “for God’s sake let them, if they must go, depart in peace. Let us have no war. No man ought to propose the use of force or bring about collision in this country.” In his valedictory address to the Senate on March 2, Lane restated his allegiance to the Southern doctrine of federal guarantees for slaveholder rights in the territories: “I have held but one doctrine upon this question from the beginning to the present hour, and I shall hold that doctrine to the end.” He concluded by urging the incoming administration “to let the seceded States alone,” allow them to fulfill their destiny as a “great, homogeneous, and glorious southern confederacy,” and

Sheppard, “Union for the Sake of the Union” 521
“treat with them as an ally and friendly nation.” This, then, was the attitude of the man who, in the event of the Electoral College’s failing to provide a majority of its vote to any one candidate over the winter of 1860–1861, could have ascended to the presidency.

There is one caveat to that scenario. The Constitution requires that a two-thirds quorum of the Senate be present before the balloting to select the Vice President can proceed. The Republicans, whose twenty-six seats amounted to 38.2 percent of the Senate of the 36th Congress, could have spiked the election of Lane by boycotting the proceedings. This tactic would have presented no long-term advantage, however. According to the Presidential Succession Act of 1792, if both House and Senate failed to elevate anyone to the office, the next in line to succeed to the presidency would have been the Senate’s president pro tempore, Sen. Benjamin Fitzpatrick of Alabama. Fitzpatrick, who was winding down his last term, is listed in the records as serving as president pro tempore from June 26 to December 2, 1860. Solomon Foot, Republican senator from Vermont, took over the role on February 16, 1861, but only because by that time enough Southern Senators had walked out to give the Republicans a majority. If Fitzpatrick had declined to preside over the lame duck session of the 36th Senate, with the Presidency still in dispute and the Southerners still in their seats, the honor would probably have gone to Sen. Jesse D. Bright of Indiana, who had held the role numerous times in the past, most recently filling in for Fitzpatrick in June. Bright, a Breckinridge Democrat, is best remembered for referring to “His Excellency, Jefferson Davis, President of the Confederate States” in a speech on March 1, 1861. This gaffe, epitomizing Bright’s Southern sympathies, motivated Sen. Edwin V. Sumner and his fellows to build an expulsion case on the grounds Bright was disloyal to the Union. Bright was finally ousted from the Senate on February 2, 1862, by a vote of thirty-two to fourteen among his peers.

In sum, there were no loopholes available to the Republican Party by which to seat one of its own in the White House; the choice was to secure a majority for Lincoln up front in the Electoral College, or watch the presidency slip through their fingers. If the latter outcome had played out, how would the body politic have reacted? Answering that question is of course impossible, but addressing it at all requires consideration of the compromised and conflicted loyalties toward the Union in the North, as well as the South, prior to 1860.

IF LANE HAD BEEN ELEVATED to the White House by the Senate, the secession of the cotton states, postponed after Fusion in New York successfully deadlocked the Electoral College, would have been shelved indefinitely. In a world with no Lincoln administration, there likely would have been no Morrill Tariff, no Homestead Act, no Pacific Railway Acts, no National
Banking Acts, no Land-Grant Colleges, and no Department of Agriculture. The Republican minorities in Congress may have been able to veto the introduction of additional slave states to the Union but would have been impotent to forestall a Democratic President and Democratic Senate from confirming pro-slavery justices to vacancies on the federal benches, including the Supreme Court.

Had Lincoln, despite winning pluralities of the popular and electoral votes, been denied the presidency, the North, seething over being, yet again, marginalized politically despite its overwhelming dominance in terms of population, finance, and industry, would have been in no mood to submit to further dictation by the Southern minority. Northern frustration over Lincoln’s being denied the presidency would have rendered any attempt to enforce the Fugitive Slave Act disastrously counterproductive. One
can easily imagine the scene. New England townspeople refuse to hand over a runaway slave to the authorities; rioting breaks out; federal troops, dispatched to restore order, fire on the crowd; martyrs, so essential to the mythos of nationalism, are created; the flames of separatism spread. Moderates — including Lincoln — would have pleaded for accommodation, but once blood is spilled, events have a tendency to outstrip appeals. America’s secession from England, for example, became inevitable only after the battles at Lexington and Concord.

The broad contours of a nascent Northern republic are evident in the election returns of 1860. The secessionist impulse would have been strongest in those counties where Lincoln secured his greatest majorities — New England, upstate New York, the shores of the Great Lakes, and the Western Prairie Frontier. A clean break along existing state lines would have been impossible. While Republican upstate New York would have favored separation, Democratic New York City would have rejected it outright. In Illinois, the Republican north would have tipped towards secession, while the Democratic south would have remained Unionist. These intrastate, as opposed to interstate, divisions denote the triggers that would make civil war inevitable. In dispute after dispute, the loyalists would have appealed for intervention on their behalf by the federal government. A general conflict, whatever the professed sympathies of Acting President Lane towards secession, would have been unavoidable.

We will of course never know what would have occurred had the Fusion campaign carried New York in 1860. The scenario outlined above is plausible but not deterministic. The key to its significance, however, is not that it necessarily would have happened but that key partisan activists of the era, on both sides of the sectional divide, believed — or at least, wanted the electorate to believe — that it could happen. Fusion strategists tended to be vague on exactly how denying Lincoln a majority in the Electoral College would play out — understandably, given only one of the three candidates committed to the Fusion project could ultimately emerge the victor. The Republicans, however, were in no doubt as to the implications of the election’s being thrown into Congress, and they made the fear of precisely that scenario a major theme of their campaign. Highlighting the threat to the Union from manipulation of the Constitution was a double-edged weapon. There is no doubt it served the partisan interests of the Republican Party in New York. Former Governor Horatio Seymour (who would be elected to the office again in 1862 and be the Democratic candidate for President in 1868) wrote Sen. John Jay Crittenden of Kentucky that the professed intent of Fusion actually inclined many New Yorkers to vote for a bad decision rather than none at all:
Thousands and thousands voted for the Lincoln ticket in this State, who had no partiality for, or confidence in [R]epublican doctrines. They, however, judged that success of the Union ticket here would, at best, throw the election into the House and possibly result, after bitter animosity, finally in the selection of Mr. Lane by the Senate. From their point of observation this large class regarded... the election by the people of a candidate they did not approve, less disastrous than a long, embittered, congressional contest.98

Had Fusion prevailed, however, the Republican accusations of a sectional conspiracy during the campaign may have so conditioned Northern voters to anticipate the worst. An extra-constitutional crisis may have ensued, spiraling out of control and setting the stage for a very different Civil War. Historian Ollinger Crenshaw is therefore undoubtedly right when he concludes: “For the sake of American governmental processes and reputation before the world, it was doubtless fortunate that the Congress of the United States, tense with sectional hatred, was not called upon to settle so explosive a matter as the election of a President in 1860–1861.”99

NOTES


3. This fact was not lost on Southern observers; see, for example, the Democratic Review in March 1856, as quoted in Ibid., 277.


7. The abolitionist program, in fact, called not merely for disunion, “but the more perfect union of the free States by the expulsion of the slave States from the...
confederation, in which they have ever been an element of discord, danger and disgrace.” *Proceedings of the State Disunion Convention: Held at Worcester, Massachusetts, January 15, 1857* (Boston: 1857), 12.


17. See Jeff LaLande, “‘Dixie’ of the Pacific Northwest: Southern Oregon’s Civil War,” *Oregon Historical Quarterly*, 100:1 (Spring 1999): 37–41; and Mahoney, “Oregon Democracy,” 206–207. After accused of being “tainted with abolitionism,” Tennessee-born T’Vault published an editorial not only denying the allegation in the most vehement terms — “If I thought there was one drop of abolition blood in my veins I would cut it out” — but also challenging his accusers to meet him “on the field of honor.” Given his reputation as a crack shot, there were no takers. George H. Himes, “First Newspapers of Southern Oregon and Their Editors,” *The Quarterly of the Oregon Historical Society* 24:1 (March 1923): 65.


21. Ibid.

22. The Free Soil case was advanced in “Slave Labor and Free Labor,” a five-part essay serialized in the *Oregon Argus* beginning August 22, 1857; see also *Oregon Argus*, September 19, 1857.


27. As a contemporary account observed: “A large majority of the people of Oregon, having settled the eternal ‘nigger question’ for themselves, are undoubtedly in favor of allowing the same privilege to others, but further than this they care nothing about
it.” Sacramento Union, July 27 1859. Perennial candidate David Logan sought to capitalize on this sentiment when he went on record as stating, “so far as the ‘negro’ question is concerned, to be identified hereafter, with that political party, that favors the submission of the question of slavery to the people of the organized Territories — and is opposed to any kind of Federal intervention therewith.” Pratt, “22 Letters of David Logan,” 277.


31. Oregon Argus, October 6, 1860.


33. Mahoney, “Oregon Democracy,” 222. Lincoln described his plurality in Oregon as the product of “the closest political bookkeeping that I know of.” Etulain, Lincoln and Oregon Country Politics, 78.

34. Memphis Daily Avalanche, June 4, 1860. “With us the defeat of Lincoln rises far above all other questions of men and platforms . . . since the party cannot be united, it should agree to disagree, and accomplish the defeat of Lincoln by permitting the majority to control the minority.” Raleigh Weekly Standard, July 25, 1860.


43. New Orleans Daily Crescent, October 13, 1860. See also Augusta Daily Chronicle and Sentinel, October 10, 1860; and Nashville Daily Patriot, October 13, 1860.


45. Brummer, “Political History of New York State,” 84–86.

46. New York Evening Post, October 29, 1860, p. 3.

47. Bruce Chadwick, Lincoln for President: An Unlikely Candidate, an Audacious Strategy, and the Victory No One Saw (Naperville, Ill.: Sourcebooks, 2009), 205.


50. Samuel Tilden, then a rising star in the Democratic Party, ascribed the defeat of Fusion to disorganization, defeatism, “and our inability to present any single candidate as a point of union to the conservative sentiment” until too late. Better coordination “would have changed the result in New York and in the Union.” Reinhard H. Luthin, The Race and Class Politics in New York City Before the Civil War: Stephen A. Douglas and the Needless War (1934; reprint New York: Octagon, 1963), 497 and 497 n55.

Sheppard, “Union for the Sake of the Union”
First Lincoln Campaign, (Gloucester, Mass.: Peter Smith, 1964), 218.


54. For an in-depth focus on Douglas during the secession crisis, see ibid., esp. chapters 30–31.

55. Annapolis Gazette, July 5, 1860.

56. Tusculum North Alabamian, August 10, 1860. See also the Indianapolis Old Line Guard, October 11, 1860.


59. Weekly Oregonian, June 18, 1859.

60. Stout eked out a 5,646 to 5,630 vote margin over Logan. Pratt, “22 Letters of David Logan,” 275.


64. Charleston Mercury, July 9, 1860.

65. Richmond Enquirer, July 13, 1860.

66. Richmond Enquirer, July 26, 1860.


68. “We know too well that conscientious scruples would not prevent our opponents from resorting to this unfair and desperate expedient,” the editorial concluded. Chicago Press & Tribune, October 4, 1860, p. 2. “How any man who ever thought it wrong for the House in 1824 to choose Mr. Adams over Gen. Jackson can now favor the throwing of the election into the House, in order to defeat Mr. Lincoln, we cannot comprehend,” The New York Tribune wondered. “The scheme is every way objectionable and wrong.” New York Tribune, August 22, 1860.

69. For a representative example, see David Dudley Field in his Philadelphia address titled “The Danger of Throwing the Election of President into Congress,” published in The Speech was published as a pamphlet by the Republican Campaign Committee (Washington, D.C.: 1860). See also the Brooklyn address of Henry Raymond, “The Fusion Movement: The Danger of Taking the Election of President from the People, and Giving it to Congress,” New York Times, October 8, 1860.


71. New York Herald, October 8, 1860.


78. See, for example, Williams, “Politi-
cal History of Oregon from 1853 to 1865,” 27; Weekly Oregonian, December 10, 1859; and Rushville, Indiana Jacksonian, March 21, 1860.

81. Key New York supporters of the Vice President met in Washington, D.C., with Lane and Isaac I. Stevens, Governor of the Washington Territory and Breckinridge’s National Committee Chair, to discuss the possibility of fusion with the Douglas and Bell tickets. Lane was described as being “especially plucky and enthusiastic on the subject.” New York Herald, September 6, 1860. Brummer, “Political History of New York State During the Period of the Civil War,” 81–82.
Lane’s persistent equivalence of Douglas with Lincoln particularly antagonized Northern Democrats. When he spoke briefly to the contentious assembly convened in Philadelphia to ratify the Breckinridge/Lane ticket, his denunciation of the “heresy” of popular sovereignty was described as being “frequently interrupted in his remarks by the disturbers of the meeting.” New York Times, July 3, 1860.
84. Cincinnati Gazette, September 12, 1860.
85. New York Times, August 1, 1860, p. 3.
86. Middletown Banner of Liberty, June 27, 1860.
87. Mauston Star, August 8, 1860.
89. Hendrickson, Joe Lane of Oregon, 238.
91. Hendrickson, Joe Lane of Oregon, 243.
93. Fitzpatrick had been nominated as Douglas’s running mate at the Baltimore convention but had declined the honor. See New York Times, August 8, 1860.
94. David Herbert Donald, “1860: The Road Not Taken,” Smithsonian, 35:7 (October 2004): 54–56. This alone would have set the United States along a radically different historical trajectory. For a study of Republican policy focusing on its transformative significance to national socioeconomic development, see Heather Cox Richardson, The Greatest Nation of the Earth: Republican Economic Policies During the Civil War (Cambridge: Harvard University Press, 1997).
96. Representative Daniel Sickles, a New York Democrat, delivered a speech in the House on December 10, 1860, swearing his fealty to the South and aggressively asserting his city “will never consent to remain an appendage and a slave of a Puritan province.” William C. Wright, The Secession Movement in the Middle Atlantic States (Rutherford: Fairleigh Dickinson University Press, 1973), 190. James Gordon Bennett suggested the political uncertainty of the day could best be solved by secession, but not of the cotton states: “The current of opinion seems to set strongly in favor of reconstruction, and leaving out the New England States. These latter are thought to be so fanatical it would be impossible there would be any peace under a Government to which they are parties.” Herald, November 9, 1860.
97. See Foner, Business and Slavery, 201.