

## DENNIS MAHONY AND THE DUBUQUE HERALD, 1860-1863

By Hubert H. Wubben\*

In the annals of American journalism there is probably no more colorful yet bitter story than the fight of the popularly designated "Copperhead" or "Peace" press against the administration of Abraham Lincoln during this nation's Civil War. Foremost among the Copperhead organs in Iowa was the nationally famous Dubuque *Herald*. Throughout the war years, under a succession of militantly Democratic editors, the *Herald* adhered to an uncompromising course of opposition to the new Republican party and everything for which it stood. Fierce and unyielding in opposition to what it claimed was an unholy alliance of Eastern capital with abolition fanaticism in an unconstitutional war, this paper was representative of many Western Peace<sup>1</sup> organs which spoke for a sizable minority opinion in the nation.

Foremost among Democratic editors was Dennis Mahony, one of the truly controversial figures of Iowa's mid-nineteenth century history. Born in Ireland, reared in Philadelphia, and migrant to Iowa in 1843, Mahony had, by the year 1860, established himself as a leading citizen of Dubuque and as a politically prominent figure in his adopted state. As schoolteacher, newspaper editor, county official, state legislator, active Catholic layman, and Democratic politician, he had behind him nearly seventeen years of activity which had kept him in the public eye. Over five of these years, up to and including 1855, he had spent as editor and part owner of the *Herald*. In 1860 he was chairman of the state Democratic executive committee.

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<sup>1</sup>The term Peace Democrat is used rather than Copperhead through this article to designate the anti-war forces of the period. The term Copperhead has too often been taken to mean "disloyal" or "traitorous," especially with reference to the Civil War. The Peace Democrats were a large minority of the northern populace throughout most of the period and they steadfastly maintained that the Republicans, President Lincoln, and the advocates of the war were the real "traitors" to the Constitution and the Union. Besides, the demand for immediate peace was the one point about which all the diverse groups which made up the so-called Copperheads could unite.

During the Civil War, Mahony became one of the most famous exponents of the Peace Democrat position in the Midwest, and in the entire North as well.<sup>2</sup>

Mahony's Dubuque, the oldest and largest city in Iowa in 1860, was a natural repository of Peace Democrat sentiment. Frank Klement and Henry Hubbart have maintained that in the West ethnic, economic, and geographic as well as political factors were of prime importance in the shaping of Peace Democrat thought.<sup>3</sup> These factors were: Irish and German Catholic suspicion of former Know-Nothing elements which drifted into the Republican party; Western resentment toward New England Puritanism and its growing economic hold on the West; sentimental attachment among all those who lived in the Mississippi Valley; attachment to the dwindling remains of Jeffersonian and Jacksonian democracy; and the Southern antecedents of many Westerners. All of these factors were present to some degree in the young state of Iowa in 1860 and particularly in the city and county of Dubuque.

Early in 1860 Mahony apparently was not thinking of returning to the newspaper business. He wrote Charles Mason, prominent Iowa jurist and Democrat, then practicing patent law in Washington, D. C., that he was interested in securing an appointment as a consul to a foreign country or a post in the territories. If President Buchanan knew of his record with the Democratic party, Mahony confided, he would have a good chance to obtain an appointment.<sup>4</sup>

On May 6, 1860, however, a notice appeared in the *Herald* stating that Dennis Mahony had bought the paper and was now owner and editor. One odd note crept into the transaction. Retiring owner and editor, J. B. Dorr,

<sup>2</sup> One of the better summaries of the life of Dennis Mahony up to 1860 is to be found in a bachelor's thesis submitted to Loras College in 1948 by Roger Sullivan entitled "Mahony the Unterrified." See pp. 3-6. See also the Mahony obituaries appearing in the *Dubuque Herald*, Nov. 9, 1879, and *Dubuque Times*, Nov. 6, 1879, and a biographical sketch, *Dubuque Telegraph-Herald*, Aug. 27, 1911. See also Mildred Throne (ed.), "Mahony-Smith Letters on the Dubuque & Pacific Railroad, 1857," *IOWA JOURNAL OF HISTORY*, 54:335-6 (October, 1956); and *Mortgage Register and Register Index* (1852-1870), Dubuque County, Iowa.

<sup>3</sup> Henry C. Hubbart, "Pro-Southern Influences in the Free West, 1840-1865," *Mississippi Valley Historical Review*, 20:45-62 (June, 1933), and Frank Klement, "Midwest Copperheadism and the Genesis of the Granger Movement," *ibid.*, 36:679 (March, 1952).

<sup>4</sup> Dennis Mahony to Charles Mason, Feb. 9, 1860, *Charles Mason Correspondence* (Iowa State Dept. of History and Archives, Des Moines).

also a prominent Democratic figure, appended a sentence to the story of the sale informing readers that he, Dorr, would retain control of the "political department" until after the election. Under this arrangement, Mahony owned and edited a paper over which he theoretically had no editorial voice, in a day when personal, partisan journalism was yet the rule in the West. The results seemingly were inevitable.

On July 3 the *Herald* carried an editorial entitled "Appeal to the Democracy of Iowa" which was signed "D. A. Mahony, chairman, State Democratic Executive Committee." The editorial called upon the Democrats to avoid a split on the question of the right of a territory to abolish or approve slavery. There should be room for differences of opinion, said Mahony. He believed that territorial governments were creatures of the federal government and that they held only those powers given them by the government. Dorr inserted an answering notice three days later, July 6. Mahony's appeal of the third, Dorr emphasized, expressed Mahony's view, not necessarily that of the paper. For several issues thereafter Dorr signed all major editorials in the paper with his initials.

One cannot be sure that Dorr wrote all editorials for the rest of the period through November 6, election day, but there is no mistaking the fact that, starting with November 7, the *Herald* was a Mahony organ and that Mahony viewed the election of Abraham Lincoln to the presidency as catastrophic for the future of the United States. He wrote:

It is useless for any man to flatter himself or persuade others that the Confederacy did not receive a violent, if not fatal shock. . . . However, the election of Lincoln may be of service to the body politic, which like the human body becomes occasionally disordered, and is restored to health and vigor by nauseating medicines.<sup>5</sup>

Four days after the election, one of the most significant of all Mahony's editorials during the war appeared. In it he expressed compactly and clearly what was to be his philosophy on three points at issue: the legality of secession; the cause of secession movements; and what should be expected of the South. Secession, he asserted, was not provided for in the Constitution. Therefore, it was illegal. "But," he added carefully, "when the government fails in its duties of protecting people and their property and securing happiness and prosperity which it is bound to do, the people

<sup>5</sup> *Dubuque Herald*, Nov. 8, 1860 (hereafter cited as *Herald*).

have the right to modify or abolish it." In point two he laid the blame for secessionist movements upon Northern abolitionists. Point three was that Southerners should not submit to "aggression upon their domestic institutions. . . . The South will not do it. The South ought not to do it."<sup>6</sup>

In the succeeding months and years, Mahony was to remind his opponents more than once that his original stand against secession was unchanged. The same was true on the question of the extension of slavery, on which he also clarified his stand early. In mid-December he answered a demand of Dubuque's Republican organ, the *Times*, on this matter. He would not vote for retention of slavery or its extension, he said, were he eligible to decide. But this was a question for the people in the affected areas only.<sup>7</sup>

The conflict at hand could be avoided, Mahony had declared earlier in the month, if the North would concede four rights to the South. They were: the right of the South to regulate its own domestic affairs; adherence to the fugitive slave law; the right of Southerners on tours of business or pleasure to take their slaves to the North and there hold the same relationship as in the South; and freedom from interference with slavery in the territories.<sup>8</sup>

Mahony felt that the *Herald*, since his assumption of complete control, was now an organ which expressed "true Democratic" sentiment. He was glad, he wrote to Charles Mason, to have Mason and "the rest" of the Iowa Democrats recognize the *Herald* as an "orthodox Democratic paper." Despite the editor's satisfaction with his own publication's stand, he expressed unhappiness at the "demoralized" state of the Iowa Democrats. In late December he wrote to Mason that his suggestion that the party meet in a state convention "to take into consideration the State of the Union" met with favor but no action. "Let us do what we can, you in your influential position and I in my humble sphere to avert the calamities which threaten us."<sup>9</sup>

As January 1, 1861, came and went, with still no move having been made by Iowa Democrats, Mahony took matters into his own hands. In the *Herald* he published a call for a state convention to be held at Iowa

<sup>6</sup> *Ibid.*, Nov. 11, 1860.

<sup>7</sup> Dubuque *Times*, Dec. 14, 1860 (hereafter cited as *Times*); *Herald*, Dec. 15, 1860.

<sup>8</sup> *Herald*, Dec. 9, 1860.

<sup>9</sup> Mahony to Mason, Nov. 13, Dec. 27, 1860, *Mason Correspondence*.

City on February 22. Signing himself "D. A. Mahony, member of the State Democratic Committee for the Ninth Judicial District," he declared the purpose to be "to take counsel for the preservation of the Union and for the prevention of a bloody conflict between the North and South."<sup>10</sup> Reaction to the call was disappointing, however, and the convention was not held.

At this point Mahony began to lash back at critics of the *Herald's* course, especially the local opposition paper, the *Times*, which increasingly represented him to its readers as a secessionist and a disloyalist. Taking what was to be a recurrent theme in the *Herald's* columns during the rest of the war, Mahony charged the *Times* with being an "abolition traitor." Abolition traitors were those who would pervert the Constitution by denying to the South long standing rights guaranteed under that Constitution. At the *Times* he thundered:

Abolition traitor; how durst thou talk of loyalty, thou who has arrayed thyself in eternal enmity to thy political equals and to thy superiors in every noble attribute of manhood; thou who has sworn in thy fanatical heart to satiate its craving for blood and lust and rapine among the victims of thy treachery. . . .

"Loyal inhabitants of the North." Who are they? Traitor to the Constitution and the Union, but those who acknowledge that the Constitution recognize the rights of the South as well as of the North. The "Loyalty" of the *Times* extends no farther South than Mason and Dixon's line. It is that sort of "loyalty" which compelled Southern men to seek for such means of protection from Northern fanaticism, as might best resist a threatened and avowed aggression.

Pity indeed, that we have not taken the part of the "loyal" aggressors of the North; that we have not bid them God speed in their attacks upon the Constitution; that we have not encouraged their abolition raids upon the South.<sup>11</sup>

It was ever Mahony's contention that one who read his paper could readily see that the true object of its editorials was "Union under the Constitution."

As the pre-Sumter tension grew, Mahony labored on two themes: there should be no Northern coercion of the seceding states; and, compromise measures to preserve the Union *must* be tried. When Sumter was finally

<sup>10</sup> *Herald*, Jan. 13, 1861.

<sup>11</sup> *Ibid.*, Feb. 2, 1861. See *Times*, Jan. 25-Feb. 1, 1861.

attacked, Mahony recognized that the South had rebelled but steadfastly maintained that the rebels had been "goaded" to action by the North.<sup>12</sup>

The Southern attack on Sumter marked the time of critical decision for the Democratic newspapers of the North. Prior to this overt act, many favored disunion or all-out efforts at compromise. Very few of them were ready to accept the Republican position that the rebellion must be stopped by force if necessary. After the military action at Sumter, Democratic papers gradually separated into two camps. "War" papers generally supported war measures and condemned the South as the aggressor, while "Peace" papers said the federal government was the aggressor and that the war was unnecessary and unprovoked. The only point at which the two groups could agree was that the Republicans were the wrong ones to be in power at such a crucial time.<sup>13</sup>

The Democratic dilemma was noted by Mahony's bitter rival, Jesse Clement, editor of the *Times*. Might not the Democrats just as well support Lincoln and the Republican party if they were truly sincere about suppressing the Rebellion, he asked. After all, was not the Republican party the only party which was solidly united on that question?<sup>14</sup>

In Dubuque, Mahony and the *Herald* were facing highly vocal opposition. From a local pulpit came an exhortation to hang the editor. The *Herald* accused the *Times* of trying to ignite a mob spirit to destroy the paper. Anonymous letters appeared in the *Times* in May, castigating Mahony. "He should remove or be removed to some locality to preach his treason. Forbearance may cease to be a virtue in his case," asserted one. Two months later, in July, the same organ published a letter, signed "Patriot," which suggested the calling of a mass meeting at which citizens should decide what to do about the *Herald*.<sup>15</sup> The next day an "impromptu" mass meeting did take place in Dubuque's Washington Square at

<sup>12</sup> *Herald*, Apr. 13, 1861. The editor, despite his intense feeling against "coercion" of the South, seemed to catch in some degree that war fervor which spread over the North during the last half of April, 1861. Two weeks after the Sumter incident he noted with evident pride that in a town of 15,000 already 200 volunteers for newly forming Northern regiments had left and another 100 were waiting to go. *Ibid.*, Apr. 26, 1861.

<sup>13</sup> Wood Gray, *The Hidden Civil War: The Story of the Copperheads* (New York, 1942), 40-41; Joe Skidmore, "The Copperhead Press and the Civil War," *Journalism Quarterly*, 16:347-8 (December, 1939).

<sup>14</sup> *Times*, Aug. 15, 1861.

<sup>15</sup> *Herald*, Apr. 17, 1861; *Times*, May 10, July 12, 1861.

which "local agitators harangued" Mahony and the *Herald*. Following their appeals, the crowd rushed to Fifth and Main, site of the newspaper office, but there local and county lawmen and a company of soldiers en route south kept matters under control, and the *Herald* was not mobbed that day — or any other day during the war.<sup>16</sup>

In June of 1861 the Dubuque editor made another attempt to unite the Democrats of Iowa behind an anti-administration program. Signing himself as "chairman Pro-Tem of the State Executive Committee," Mahony issued a call for a party convention for July 10 in Des Moines to take such measures as might be necessary "to preserve the Union in its integrity and the rights of the people from subjection to arbitrary power." In a bill of particulars he accused President Lincoln of usurping power which belonged to Congress, including: illegally blockading Southern ports; making war without a proper declaration; suspending the writ of habeas corpus; and drawing money from the Treasury without the consent of Congress. The call met with some opposition through the state, including that of J. B. Dorr, who was becoming a leading Iowa War Democrat.<sup>17</sup>

This time, however, Dennis Mahony was more successful than in his earlier attempt to convene the Iowa Democrats. After the convention date had been set forward to July 24, delegates assembled in Des Moines under the chairmanship of Mahony. There they passed resolutions denouncing the war as "an effort to dismember the Union," secession, "usurpation" of powers by the President, paper banking, and the doctrine of "irrepressible conflict."<sup>18</sup> The resolutions at the state conclave were similar to those drawn up at the Dubuque County Democratic convention of July 13. Mahony had served as chairman of that convention, likewise.

Not only did the state convention delegates draw up anti-administration resolutions, but they also nominated candidates for state offices to run in the coming fall elections. The delegates chose Charles Mason to be the party's candidate for Governor and Maturin L. Fisher for Lieutenant Governor.

At least one Republican looked upon Mahony's move, however, as one which might work to Republican advantage. "The 'Mahony ticket' will not

<sup>16</sup> *Herald*, July 31, 1861.

<sup>17</sup> *Ibid.*, June 13, 1861; Franklin T. Oldt (ed.), *History of Dubuque County, Iowa* . . . (Chicago, [1911]), 353.

<sup>18</sup> *Herald*, July 24-26, 1861.

get 20 votes, if any, if there is a Douglas Democratic ticket, in Clayton County," wrote Eliphalet Price to Republican Governor Samuel J. Kirkwood.<sup>19</sup>

War Democrats in Dubuque, under Dorr, decided to fight the Mahony platform. They met in county convention to select delegates to a state "Union Democratic" convention and drew up, also, indictments of Peace papers and of Mahony for "usurping" his authority.<sup>20</sup> The Union Democratic Convention for the state of Iowa met August 29. In what may have been something of a surprise, the War faction found itself outnumbered. Delegates formally approved almost intact the resolutions of the "Mahony Convention" and accepted Mason as their candidate for Governor. William H. Merritt was chosen in place of Fisher as candidate for Lieutenant Governor in the only significant change. The *Herald*, not unreasonably feeling pleased with the "ratifying convention," nevertheless disclaimed the assertion of the admiring *McGregor Times* that the Union convention came through with a "Mahony ticket and Mahony resolutions."<sup>21</sup>

At this point the success of Mahony and the *Herald* in directing the Iowa Democrats seemed to be nearly complete. But complications arose quickly, and with them much of the surface party unity began to disintegrate. The Burlington *Hawk-Eye* launched into a series of attacks on Mason, who was from Burlington. A letter to the editor from a Des Moines County Democrat, William F. Coolbaugh, appeared in the *Hawk-Eye*, attacking the Democratic nominee for being "pro-Southern, pro-secesh, and pro-slavery." Mason vehemently denied these charges in a return letter the next day.<sup>22</sup>

The attacks on Mason in the *Hawk-Eye* continued. And, apparently, rumors began to circulate among the party faithful that the nominee might resign. Mahony and Ben Samuels, a Dubuque Democratic stalwart, wrote to Mason on September 19, urging him to stay in the race. But Mason withdrew the next day in a brief note to G. M. Todd, chairman of the party's central committee, giving no explanation for his action except to

<sup>19</sup> Eliphalet Price to Samuel J. Kirkwood, Aug. 14, 1861, *Samuel J. Kirkwood Correspondence* (Iowa State Dept. of History and Archives, Des Moines).

<sup>20</sup> Oldt (ed.), *History of Dubuque County*, 353. The *Herald* paid little attention to these "shoddies" as War Democrats were called by the Peace faction in Dubuque. Mahony did take time, though, to attack Dorr when the latter maintained that Mahony had no right to call a state convention. *Herald*, June 14, 1861.

<sup>21</sup> *McGregor Times*, cited in *Herald*, Sept. 4, 1861.

<sup>22</sup> Burlington *Hawk-Eye*, Sept. 3-4, 1861.



say that "Circumstances have induced me to withdraw." Merritt, whom Mahony suspected to being a War Democrat, was promptly offered the Union Democratic nomination, which he accepted. "We feel that the Democratic party has been betrayed," declared the *Herald*, at the same time avowing its intention to support no candidate who would not stand on the party platform.<sup>23</sup>

Mahony's editorial of October 1 mirrored the intense disappointment of the Peace faction.

We would have preferred to go into the contest in Principle, no matter what might be the result, than to make it a purely personal contest. . . . In this predicament we shall choose our own course and others will, of course, do likewise. We have no advice to give through the *Herald* on this subject.<sup>24</sup>

True to its word, the *Herald* said next to nothing during the remainder of the campaign. Merritt was defeated easily by the Republican incumbent, Samuel J. Kirkwood, 60,303 to 43,245.

Attempts to move the Iowa Democrats into the anti-war camp did not occupy all of Mahony's time between the firing on Sumter and the October elections. In July he was especially critical of Lincoln, charging him with violating the Constitution without apology or excuse "beyond the flimsy pretext of its being necessary for the preservation of the government." On another occasion he accused the President of fostering a despotism "more onerous and more cruel than that of Czar Alexander or the Emperor Francis Joseph." A plaintive note crept into this comparison when Mahony observed that what was even worse was that the people approved of Lincoln's "despotic acts."<sup>25</sup> Such sentiments, openly expressed, began to attract regional attention. In September, 1861, the *Herald* was interdicted in St. Louis by military order, the first of several such actions against the paper during the war.

Two acts of President Lincoln met with the *Herald's* approval in the latter part of the year: the removal of General John C. Fremont from his

<sup>23</sup> Ben Samuels and Mahony to Mason, Sept. 19, 24, 1861, *Mason Correspondence; Herald*, Sept. 24, 1861; the Sept. 24 letter to Mason expressed more than the *Herald* on this date. They, Samuels and Mahony, would not endorse Merritt at all, they told Mason.

<sup>24</sup> *Herald*, Oct. 1, 1861.

<sup>25</sup> *Ibid.*, July 9, 21, 1861.

Missouri command, and the President's suppression of Secretary of War Simon Cameron's report which advocated arming the slaves.<sup>26</sup> Both times in nearly identical language Mahony declared that Lincoln had taken the "constitutional course."

At the close of the year 1861, Mahony's Irish background crept into his editorial comment on the removal of the Confederate emissaries to England, James Mason and John Slidell, from the British vessel, the *Trent*, by an American warship. The action had some interesting points which would have to be determined by international law, he believed, but Britain was getting back what she had given out for so long. Then, in January of 1862, Mahony concluded that the arrest was illegal, at the same time maintaining that to back down was an act of national cowardice. City rival *Times* professed amusement over the attitude of the *Herald* and of the Davenport *Democrat and News* on the release of Slidell and Mason. The Davenport paper also claimed the United States had been humiliated. "It is never humiliating or disgraceful to do right," said the *Times*, quoting the *Chicago Journal* approvingly.<sup>27</sup>

Davenport newspapers were often targets of the *Herald*. In answer to a charge by the Republican *Gazette* that the *Herald* had too much Iowa influence, Mahony retorted that if this were so, it was only because the *Herald* was upholding personal rights and constitutional government. Taking the offensive against the *Democrat and News*, Mahony charged that organ with not being Democratic enough.<sup>28</sup>

A new editor, G. T. Stewart, took over the *Times* on January 1, 1862, a change which did nothing to lessen the number or the feeling of the charges flying back and forth between the rival papers. Generally the *Times* was the aggressor, charging "treason" on numerous occasions. Usually the *Herald* replied. However, Mahony covered many more fields than that of intra-city journalistic warfare. He became engaged in promoting Democratic unity in Dubuque in preparation for the coming city elections. In March the *Herald* encouraged neighborhood attendance at small-scale Democratic meetings throughout the city. At many of these the participants drew up resolutions which decried "abolition treason," the disregard

<sup>26</sup> *Ibid.*, Oct. 22, Dec. 10, 1861.

<sup>27</sup> For *Herald* opinion on this incident, see issues of Nov. 21, 1861; Jan. 1, 4, 1862. See also *Times*, Jan. 1, 1862.

<sup>28</sup> *Herald*, Jan. 26, 28, 1862.

of the writ of habeas corpus, and wartime financial policy.<sup>29</sup> Mahony was chairman of the Democratic city convention held on March 24, which passed similar resolutions. The *Times*, noting this flurry of opposition directed by its bitter rival, declared fervently, "Traacherous enemy of our Government, there is a day of retribution in store for you." The city convention was labeled the "Mahony Democratic City Convention" by the new editor, but neither threats nor name calling were able to halt Dubuque's traditional Democratic outpouring at the polls, and the *Herald* was able to boast of a clean sweep by Democrats of all city offices.<sup>30</sup>

Outside Dubuque, the Democratic monopoly was sourly regarded by the Republicans. After the results were determined, one Republican journal charged that "men swarmed the streets cheering for Jeff Davis, the Southern Confederacy, Beauregard and the Merrimac. . . . Dubuque is an example of what Vallandigham, Mahony, George W. Jones and that class of sympathizers with treason would make of the Democracy and the people of the entire state." The Cedar Falls *Gazette* carried the report of one observer of the elections in Dubuque who professed amazement at the "secessionist atmosphere" of the city. The *Herald*, as if to counteract the barrage of criticism, carried an approving note from the Fort Madison *Plain Dealer* which testified to its support for Mahony's stand and his loyalty. Pushing the matter further, the *Times* warned its readers that Dubuque's reputation as a "secession hole" might be catching up with it. Rumor had it, said Stewart, that the proposed railroad to the Pacific was "not going to be located in any manner which would enable the tributaries of Dubuque to hook up to it."<sup>31</sup>

Mahony frequently reprinted attacks from Republican papers in order to refute them. When the Muscatine *Journal* maintained that Dubuque was morally and politically dark because the owners of the *Herald* were not hanged and the paper burned, Mahony retorted that this showed Dubuque's devotion to the Constitution. When the Independence *Guardian* charged that the city was opposed to the government, he vigorously denied it.<sup>32</sup>

Religious bias cropped up in at least one opposition journal during this

<sup>29</sup> Oldt (ed.), *History of Dubuque County*, 355.

<sup>30</sup> *Times*, Mar. 21, 1862; *Herald*, Apr. 8, 1862.

<sup>31</sup> Keokuk *Gate City*, Apr. 12, 1862; Cedar Falls *Gazette*, cited in *Times*, Apr. 16, 1862; Fort Madison *Plain Dealer*, cited in *Herald*, Apr. 26, 1862; *Times*, May 8, 1862.

<sup>32</sup> *Herald*, June 8, 1862.

period, probably with reference to Dubuque. Catholic politicians and press and Catholic Irish were "fiercely supporting slavery," charged the Keokuk *Gate City*. Yes, this was true, Mahony conceded, but it was "because they were not in favor of breaking up the Union to get rid of it."<sup>33</sup>

The first half of 1862 found the paper attacking Eastern financiers for flooding the Northwest with "irresponsible currency." Mahony proposed, in a measure aimed directly at this group, that the government levy a tax on bank notes rather than on such consumer items as coffee and sugar. Let those who profited from the war pay for it, he declared.<sup>34</sup>

Through most of the period to the middle of August, 1862, one can look in vain in the columns of the *Herald* for any advocacy of overt action against the elected authorities. But early in May, Mahony wrote one statement which might be construed as an insurrectionary call. "If Executive and Legislative decrees are used to subvert the Constitution," he wrote, "the people have the right to resist such subversion and to uphold the Constitution."<sup>35</sup>

*Herald* news and editorial coverage on recruitment of volunteers for the Union army and on the impending draft was heavy in the summer of 1862. The paper approved the draft if it were to be operated in a "fair" manner. And Mahony counseled Dubuque citizens who might be inspired to move out because of it to stay and "meet it like men." On one occasion Mahony gave a special boost to one recruiting officer who was a combat veteran. He was not above urging local Republicans to volunteer their services either. This latter admonition, repeated more than once, may have been a factor in subsequent events in the story of the *Herald* and its editor. That his comments in this vein were not taken kindly by his opponents was noted by Mahony on August 6, when he charged that they had sent a petition to Washington demanding suppression of the paper and arrest of himself.<sup>36</sup>

Finally action followed the threats, and in the early morning hours of

<sup>33</sup> Keokuk *Gate City*, May 21, 1862; *Herald*, May 24, 1862.

<sup>34</sup> *Herald*, Mar. 27, May 31, 1862.

<sup>35</sup> *Ibid.*, May 7, 1862.

<sup>36</sup> One must cover many issues to get a clear picture of this entire problem of recruiting, the draft and Mahony and the *Herald's* views on both during this period. See *Herald*, July 31, Aug. 5-6, 1862, for above material. Nearly all issues of the *Times* and *Herald* from July 30, 1862, to Aug. 13, 1862, contain much on these matters. See specifically *Times*, May 7, 1862; *Herald*, May 24, July 30, Aug. 2, 3, 8, 10, 13, 1862.

August 14, 1862, Dennis Mahony was awakened from a sound sleep and arrested at his home by the United States Marshal for Iowa, Herbert M. Hoxie, Deputy Marshal for Dubuque, P. H. Conger, and a squad of federal troops under the command of a Captain Pierce. Although no charges were ever filed against Mahony, the assumed reason was for "discouraging enlistments."<sup>37</sup> The authority at this time, under which such arrests were usually made, was an order of August 8, 1862, of Secretary of War Edwin Stanton to United States lawmen, directing that those individuals "seeking to discourage volunteering, giving aid and comfort to the enemy, or, through writing, speech, or act, engaging in any disloyal practice" be arrested and held for trial before a military commission.<sup>38</sup>

Put on board the steamboat *Bill Henderson*, Mahony quickly wrote a statement for publication in the *Herald* of that day:

Fellow citizens of Iowa, — I have been arrested by an arbitrary and illegal order from the War Department for my fidelity to the Constitution of our common country. As I am at the disposal of tyrants who care for no law but that of their own will, I know not what might befall me. To your care and protection I commend my wife and children. D. A. Mahony.<sup>39</sup>

Later in the day the steamer sailed down the river for Davenport. From Davenport the next day Mahony addressed a letter to Governor Kirkwood, requesting an interview and asserting that he did not know the reason for his arrest but that it must be "on some trumped up charge of disloyalty." Kirkwood, who was then in Iowa City, replied immediately by evening train in what Mahony described as a "cold, formal, and, in some respects, an insulting letter, assuming that I was disloyal to the government." Mahony immediately dispatched another letter to Kirkwood. In it he said, "I have never had the design or intention of embarrassing the government in

<sup>37</sup> Dennis Mahony, *Prisoner of State* (New York, 1863), 117-20. Mahony's own account of his arrest and incarceration differs little in substance from other published records of the same event. The incident is described at length in another volume which is devoted to recitals of this and similar cases of arbitrary arrest occurring during the Civil War. See John Marshall, *American Bastille . . .* (New York, 1869), 407-421. Cyrenus Cole, *A History of the People of Iowa* (Cedar Rapids, 1921), 302, states incorrectly that Mahony was arrested after the Democratic convention of 1863. See also Gray, *Hidden Civil War*, 28.

<sup>38</sup> *War of the Rebellion . . . Official Records . . .* (128 vols., Washington, 1880-1901), Series III, Vol. II, 321-2. (Hereafter cited as *Official Records*.)

<sup>39</sup> *Herald*, Aug. 14, 1862; Mahony, *Prisoner of State*, 122.

any way. I have presumed that it was committing errors, and surely it is not a crime to say that if one believes it earnestly."<sup>40</sup>

From Davenport, Marshal Hoxie took Mahony to Burlington, where he was soon joined by another editor, David Sheward of the *Fairfield Constitution and Union*, who had been arrested on the same charge. Republican newspapers in Davenport, Burlington, and throughout Iowa generally expressed great satisfaction over Mahony's arrest, repeating accusations that the Dubuque editor had been in open sympathy with the secessionists since the start of the war.<sup>41</sup>

In both river cities Mahony received visits from numerous friends and acquaintances. To several others throughout the state he sent requests that they contact the Secretary of War in order to speed an investigation of the charges against him. In his own book on his arrest and imprisonment, Mahony noted with bitterness that the only one who ever wrote in his behalf was a political opponent, Iowa's Republican Senator James W. Grimes.<sup>42</sup>

Within a week Mahony and Sheward were taken to Washington, D. C., and lodged in Old Capitol Prison with other political prisoners. Meanwhile, in Dubuque, Stilson Hutchins, Mahony's assistant editor, assumed the reins of the *Herald*. The day after the arrest Hutchins wrote, "The principles which the *Herald* enunciated and supported we do not shrink from now." However, added Hutchins,

There is no possibility of the suppression of the paper, we have that assurance from the proper authorities, but our readers will pardon us if from time to time we content ourself with truthfully presenting the current news with such extractions as we see proper to make, leaving editorial comment as to be indulged in at some future time when it ceases to involve so much interest to ourselves and our subscribers.<sup>43</sup>

To a large extent, Hutchins followed this policy for nearly a month, except

<sup>40</sup> Mahony to Kirkwood, Aug. 15, 1862 (2 letters), *Kirkwood Correspondence*; Mahony, *Prisoner of State*, 129.

<sup>41</sup> Charles J. Fulton, *History of Jefferson County, Iowa . . .* (2 vols., Chicago, 1914), 1:355; *Davenport Gazette*, Aug. 15, 1862; *Burlington Hawk-Eye*, Aug. 18, 1862.

<sup>42</sup> Mahony, *Prisoner of State*, 124, 140. Grimes had been one of those who visited Mahony while he was detained at Burlington.

<sup>43</sup> *Herald*, Aug. 15, 1862.

for one important matter. He worked heartily for the election of Dennis Mahony to Congress as a Representative from the newly created Third Congressional District.

The nomination of Mahony had been regarded as a distinct possibility by the editor himself. A month and a half prior to his arrest he had written to Charles Mason that he could get the nomination if he wanted it. And, as if in preparation for a possible contest, he had requested assistance from Mason. "Would it be too much trouble," he wrote, "for you to see Ben Wood, Vallandigham and such others of your friends as you may have opportunity to do and request of them to lend me documents and speeches?"<sup>44</sup>

In view of the impending congressional election, it is very likely that the arrest of Mahony at this particular time had political undertones. William B. Allison of Dubuque, the Republican nominee for Congress, and H. M. Hoxie, the arresting officer, were friends of long standing and active in the Republican party. Franc B. Wilke, the "war correspondent" of the *Herald*, stated flatly in his reminiscences of Civil War days that Mahony was not arrested for treasonable activities "but in reality to prevent his election to Congress." But the effort to remove Mahony from the political scene failed. After the arrest, Hutchins noted in the *Herald* that the incident had excited a Mahony-for-Congress boom. At Delhi a Delaware County Democratic convention demanded that Mahony be given a quick trial if he had committed a crime. If there were no crime, he should be released at once.<sup>45</sup>

At the Third District convention at West Union, exactly six days after his arrest, Mahony was nominated to oppose Allison. That there was opposition to this action was indicated by the narrow margin of victory Mahony attained over opponent G. W. Gray of Allamakee County. Mahony secured 52 2/3 votes to 51 1/3 for Gray. Results of arbitrary arrests, one historian has said, were bitter resentment of the citizens in the area in which the arrests occurred, even among supporters of the war. Citizens of Dubuque generally agreed that Mahony's nomination resulted from the desire of the Peace Democrats to show that they approved Mahony's course.<sup>46</sup>

Mahony learned of his nomination in prison on August 25, despite what

<sup>44</sup> Mahony to Mason, June 24, 1862, *Mason Correspondence*.

<sup>45</sup> *Herald*, Aug. 15, 20, 1862; Leland Sage, *William Boyd Allison . . .* (Iowa City, 1956), 54; Franc B. Wilkie, *Pen and Powder* (Boston, 1888), 9.

<sup>46</sup> Gray, *Hidden Civil War*, 97; Oldt (ed.), *History of Dubuque County*, 357.

he believed to be an effort on the part of prison officials to keep the news from him. On the same day he wrote his acceptance of the nomination. Appended to the acceptance was a long recital of his views which, when printed in the *Herald*, filled more than three columns of small type. The major points were:

1. Secession was unconstitutional but revolution was an inherent right.
2. Opposition to the acts of the President did not constitute disloyalty.
3. The war he opposed except as a means to early restoration of the Union.
4. In case of conflict between the government and the Constitution he would support the Constitution.
5. The Union was a Union of equal states. [This point he developed but little. Instead, he launched into an attack on the "evils" of abolition which would result in the flooding of the free states with "pauper" Negroes.]
6. The separation of powers should remain inviolate.
7. Strong government was acceptable if it were the "rule of the people legitimately manifested."
8. The administration was in rebellion to the Constitution.
9. The Union could never be restored so long as the "Abolitionist Republicans" were in power.
10. Emancipation would result in great social evils and the degrading of the white race.<sup>47</sup>

Hutchins at the helm of the *Herald* gave publicity to both sides of the story of his chief's nomination. Comment in Chicago dailies was adverse, he noted. The *Chicago Times*, leading anti-war publication in that city, carried a communication from one dissatisfied Democrat in McGregor which called the nomination an act of hostility to the law of the land. Hutchins replied that the Democrats nominated Mahony as "the exponent of a principle." The *Chicago Journal*, a Republican paper, also opposed the Mahony nomination, adding parenthetically that the *Herald* was as bad as when Mahony was editor and recommending that the Dubuque organ

<sup>47</sup> Mahony, *Prisoner of State*, 169-70; *Herald*, Oct. 7, 1862. No reason was ever given by Hutchins for delay in printing the acceptance. This may have been a consequence of his earlier expressed decision to refrain from editorial comment for awhile after Mahony's arrest.



should be suppressed.<sup>48</sup> News of support for Mahony appeared in the *Herald* frequently also. Linn, Cedar, and Jones County Democrats, meeting in a tri-county convention at Mount Vernon in late August, drew up a resolution decrying the arrest of Mahony and hailing his nomination. Dubuque County's Democratic convention did likewise. On October 14, Hutchins printed an article from the *Milwaukee News* voicing support for Mahony.

Before Mahony's arrest, the *Herald* had noted the nomination of Allison by the Republicans. Said Mahony then, "As a neighbor and fellow citizen we respect Mr. Allison, but as a politician we look upon him as one of those who have brought our country to its perilous condition." Allison would also be the easiest candidate for the Democrats to beat, Mahony had declared, without giving his reasons.<sup>49</sup>

The election campaign found the full force of the Republicans directed against the Democrats in general and Mahony in particular. Senator Grimes was one of those who used his vote getting powers in behalf of the Republican candidate. Grimes wrote Salmon P. Chase, "I traversed the state for four weeks, speaking every day, and the more radical I was, the more acceptable I was."<sup>50</sup>

In the election Allison defeated Mahony, 11,932 to 8,452, despite the fact that the *Herald* editor carried Dubuque County by 1,457 votes.<sup>51</sup> Allison may have been helped by the fact that congressional redistricting took place in Iowa that year, when Congress, on the basis of the Census of 1860, granted Iowa the right to send six Representatives to Washington instead of two. "The population of several districts was made almost exactly proportionate to the strength of the Democratic opposition in those districts," says one writer on the redistricting. Thus, although Democrats cast over three-sevenths of the state vote, each district chose a Republican representative.<sup>52</sup> This factor may not have been too important in Hutchins' opinion, however, since he never mentioned it in the *Herald*.

<sup>48</sup> *Chicago Times*, Aug. 26, 1862, and *Chicago Journal*, Aug. 26, 1862, cited in *Herald*, Aug. 28, 1862.

<sup>49</sup> Sage, *Allison*, 52-4; *Herald*, Aug. 8, 1862.

<sup>50</sup> James W. Grimes to Salmon P. Chase, Oct. 20, 1862, quoted in William Salter, *The Life of James W. Grimes* (New York, 1876), 218.

<sup>51</sup> *History of Dubuque County, Iowa . . .* (Chicago, 1880), 598; *Herald*, Nov. 2, 1862.

<sup>52</sup> Paul S. Peirce, "Congressional Districting in Iowa," *IOWA JOURNAL OF HISTORY AND POLITICS*, 1:341-3 (July, 1903).

The soldier vote was apparently more significant in the defeat of Mahony than congressional redistricting. Allison polled 2,248 of these ballots to 125 for Mahony. A letter from Colonel Cyrus Bussey to Governor Kirkwood gives a hint as to how this margin was achieved. Bussey, from his regimental headquarters in Helena, Arkansas, noted that Democratic candidates received only a small vote in his organization, even though most of them were Democrats. There would have been even fewer, the Colonel declared, "had I not been in St. Louis on election day."<sup>53</sup>

After the election the *Herald* charged that irregularities had occurred in the soldier voting. Mahony tickets were burned at a camp near Rolla, Missouri, according to one soldier stationed there. Three soldiers who voted for Mahony were in the guardhouse, according to another soldier's report, this one from a member of the Third Iowa Infantry Regiment.<sup>54</sup>

During the election campaign the strain of battle began to tell on the editors of the *Herald*. Stilson Hutchins wrote Charles Mason a month after Mahony's arrest, saying he felt it best to dispose of the *Herald*. Hutchins was facing the same kind of opposition as Mahony, he said. And, apparently dispirited at the turn of events, Mahony shortly after wrote Mason that he would retire from the *Herald* when he was released.<sup>55</sup>

The one evident concrete problem facing the paper was financial in nature. There existed a \$2,000 mortgage on the *Herald* which had not been paid, and creditors were threatening to take over. The debt had been incurred by J. B. Dorr, who had sold the paper to Mahony in 1860, apparently with the promise that he (Dorr) would complete the payment. When Dorr and Mahony became political enemies, Dorr failed to discharge the debt. Hutchins met this crisis by buying the old Dubuque *North-West* office just before the Republican sheriff took possession of the *Herald* for the creditors. In his new location he re-established the *Herald*, and without missing an issue continued the newspaper operation.<sup>56</sup> No more was said

<sup>53</sup> Sage, *Allison*, 58; Cyrus Bussey to Kirkwood, Oct. 19, 1862, *Kirkwood Correspondence*.

<sup>54</sup> *Herald*, Oct. 26, 1862. Also, *Charles City Intelligencer*, quoted in *ibid.*, Oct. 29, 1862.

<sup>55</sup> Stilson Hutchins to Mason, Sept. 17, 1862; Mahony to Mason, Oct. 1, 1862, *Mason Correspondence*.

<sup>56</sup> Source accounts of this transaction in 1861 and the resulting maneuvers in 1862 to keep the *Herald* in business are sketchy. The Nov. 13, and 14, 1862, issues of the *Herald* refer to them, but only in bare detail. It is ironic that the foreclosing officer was Sheriff Chauncey Cummins. Sheriff Cummins was a prime target of Mahony in

about giving up the *Herald* after this move, and Mahony re-entered the business after his release from the Old Capitol Prison.

The efforts of Mahony to regain his freedom were not successful until after the election. The correspondence and diaries of Charles Mason, who labored in behalf of Mahony and David Sheward, give the clearest picture of the situation. Mason voluntarily undertook the task of ascertaining the nature of the charges against the two editors and in securing their release. His records tell a frustrating story of failure in attempts to secure from the Judge-Advocate and the office of the Secretary of War a statement of charges against his clients. His efforts to obtain affidavits attesting to Mahony's loyalty from Iowans living in Washington were to no avail either. By September 21 Mason wrote that Mahony and Sheward would probably be held until after the election, despite anything he might do.<sup>57</sup>

Before Mahony and Sheward were released, each had to sign an oath of loyalty especially prepared for them. Besides the usual requirement of a pledge of loyalty to the government and to the Constitution, Judge-Advocate L. C. Turner inserted an extra clause for the two Iowans, and for two Illinois prisoners, Judges John H. Mulkey of Cairo and Andrew D. Duff of Benton. It read: "I will not cause or commence any action or suit against the officers of any loyal state or of the United States, for causing my arrest at any future time." He deemed necessary the special oath for the Westerners, the Judge-Advocate informed Mason, because just such suits had recently been filed by men from that section of the country.<sup>58</sup> Mahony regarded this special insertion as the crowning blow in the entire episode of his imprisonment, and he maintained that he would never have signed it

the county elections in the fall of 1861. Mahony maintained that Cummins had been derelict in his duties during the near-mobbing of the *Herald* in June of that year. Cummins was the only Republican to win county office in that election. This affair and the providential part played by Cummins are described by Sullivan, "Mahony the Unterrified," 49. There is a letter from Mahony to Charles Mason, dated Oct. 13, 1862, in which Mahony declared that he would "suffer serious loss" unless he could get to Dubuque at once (from prison). Although the editor did not so indicate, it seems likely that Mahony was referring to the impending foreclosure action against the *Herald*. Charles Mason Remey (ed.), *Life and Letters of Charles Mason, Chief Justice of Iowa, 1804-1882* (16 typescript vols., Washington, 1939), 6:664-5.

<sup>57</sup> Remey (ed.), *Life and Letters of Charles Mason*, 6:644-71 *passim*. See especially 649, 658.

<sup>58</sup> *Official Records*, Series II, Vol. V. 117-19; Mahony, *Prisoner of State*, 402-403; Remey (ed.), *Life and Letters of Charles Mason*, 6:670.

had it not been for his health which apparently had declined seriously while he was imprisoned.<sup>59</sup>

The release of Mahony from prison was the highlight of November for the *Herald*. Mahony secured his freedom on November 11 and returned to a royal welcome in Dubuque the evening of the fifteenth. Thousands of persons gathered on the levee to welcome him. Bonfires blazed on the bluffs. A welcoming committee of local Democratic leaders placed Mahony in a carriage, paraded him downtown, and finally brought the occasion to a climax in front of the editor's house, where he and others made speeches to the crowd, avowing to hold true to Democratic principles despite persecution.<sup>60</sup>

Mahony did not go back to work for the *Herald* immediately, and Stilson Hutchins continued in charge. The Irish-born editor did not remain out of print, however. The fact that upon his release prison officials gave him an official honorable discharge gave birth to angry outbursts in both the *Herald* and the *Times*, but for different reasons. What consolation was an honorable discharge, demanded the *Herald*, after such treatment to Mahony and his family and such damage to his reputation? "What criminal was ever honorably discharged?" countered the *Times*, which regretted that Mahony's punishment was not more severe. Mahony should have been tried, or should never have been imprisoned at all, that paper declared a few days later. Halfway measures accomplished nothing. Governor Kirkwood shared the same opinion. "Mahony's arrest was a good thing . . . his discharge without trial in my judgment a bad thing," he wrote to Senator Grimes.<sup>61</sup>

Kirkwood, himself, received harsh condemnation from Mahony early in December when Hutchins printed in the *Herald* a long vituperative letter to the Governor. Mahony wrote:

As I loved you once as a friend, respected you as a fellow citizen, honored you as my Governor; for violation you have com-

<sup>59</sup> Mahony, *Prisoner of State*, 400-402.

<sup>60</sup> *Herald*, Nov. 16, 1862. The *Times*, Nov. 19, 1862, told a different story of the occasion. The parade was a "farce." Loyal citizens darkened their homes and only the *Herald* and the saloons shed any light on the route of march. The weight of evidence, however, is against the *Times*. One Dubuque County history agrees that there was a great celebration on Mahony's return. See Oldt (ed.), *History of Dubuque County*, 288. This work is not generally sympathetic to Mahony.

<sup>61</sup> *Herald*, Nov. 15, 1862; *Times*, Nov. 18, 22, 1862; Kirkwood to Grimes, Nov. 25, 1862, cited in Dan E. Clark, *Samuel Jordan Kirkwood* (Iowa City, 1917), 264.

mitted of the Constitution of our common State, and the outrages you have suffered to be committed on our State Sovereignty and rights of persons entrusted to your care, I loathe you as their betrayer, scorn you as a citizen of Iowa and despise you as a faithless public servant.<sup>62</sup>

A few days later Hutchins again opened the *Herald* columns to Mahony, who publicly addressed a letter to President Lincoln, proposing that a convention of the two parties meet and by unit vote draw up a new Constitution which, if ratified, would be the Constitution for a "reconstructed Union." He gave no explanation as to what type of Constitution should be forthcoming. Less personally critical of Lincoln than of the Governor, Mahony gave a resume of his views which he believed led to his arrest, criticized Lincoln's liberal interpretation of the powers of the executive branch of the government, and signed himself "another of the victims of your exercise of arbitrary power."<sup>63</sup>

Neither Lincoln nor Kirkwood appear to have answered Mahony's letters. But one other national figure did reply when Mahony wrote him. That was Horace Greeley, editor of the powerful New York *Tribune*. Mahony wrote to Greeley on November 19, 1862:

Your paper, the *Tribune*, has been made the medium of stigmatizing and labeling me as a traitor, and been with other papers the means of having me arrested and confined for nearly three months in the Old Capitol at Washington. During my imprisonment I saw myself alluded to in the *Tribune* as a traitor, and now that I am at liberty I shall hold you responsible for your share of injuries done me unless you make due reparation.

Greeley's reply appeared in the *Tribune*, along with Mahony's letter. Wrote Greeley:

Judging from the general tone of your journal, I believe that you do not really desire the overthrow of the Confederate traitors, but rather their success in defying the authority and destroying the integrity of the United States. I cannot otherwise interpret the captiousness, the virulence with which you have uniformly treated those charged by the Constitution and the People with the conduct of the Government during the War for the Union.

It is my firm conviction that you and those who sympathize with you desire, expect and labor for a Disunion Peace, and that

<sup>62</sup> *Herald*, Dec. 2, 1862.

<sup>63</sup> *Ibid.*, Dec. 7, 1862.

having subjected our country to that disastrous humiliation, you will be found urging the free West to break away from the East, repudiate our Public Debt, and unite with the Southern Confederacy under the Montgomery constitution.

I am not a lawyer and cannot say that all this makes you legally, technically a traitor. That you are morally, essentially one, I have no manner of doubt. And I know nothing in your past career, especially in your treatment of me and mine, which should constrain me to suppress these convictions.<sup>64</sup>

No more was said by Mahony about pressing for "due reparation."

The new year brought Mahony back to the *Herald* as a result of "popular demand," said the paper. The Mahony who resumed the editor's chair, January 1, 1863, was unlike the Mahony who had told Mason in the fall of 1862 that he would leave the *Herald* when he was released from prison. His new aggressiveness displayed itself early in the month in a fiery editorial in which he declared, "The people who submit to the insolent fanaticism which dictates this last act [the Emancipation Proclamation] are and deserve to be enslaved to the class which Abraham Lincoln self sufficiently declares free." If they possessed the spirit of their revolutionary forefathers, according to Mahony, they would "hurl [Lincoln] into the Potomac, Cabinet, Congress and all."<sup>65</sup>

A defiant note appeared in subsequent issues in regard to the war, Northern soldiers, and proponents of the war. The war was waged for slavery from the start, Mahony charged. "We have, therefore, given it no countenance, contributed toward it no support." When Camp Franklin, a troop rendezvous near Dubuque, was closed by Kirkwood, purportedly because of the "secessionist taint" of Dubuque, Mahony rejoiced, "The Governor is thus clearing Dubuque of all abolitionism." An editorial entitled "The Duty of Soldier and Citizen" charged that soldiers were being used to free slaves and help adventurers make money by plunder. "Are you, as Soldiers," he demanded, "bound by patriotism, duty or loyalty to fight such a cause? . . . Act as your conscience dictates."<sup>66</sup>

Cries of economic discontent also emanated from the *Herald* in January,

<sup>64</sup> New York *Tribune*, Nov. 26, 1862. This reply was printed in the *Times*, Dec. 7, 1862, but no mention of Mahony's letter to Greeley or the reply by Greeley appeared in the *Herald* of that period.

<sup>65</sup> *Herald*, Jan. 3, 1863.

<sup>66</sup> *Ibid.*, Jan. 10, 16, 26, 1863.

1863. Eastern factories were amassing tremendous profits from the war, Mahony wrote. Furthermore, they and the railroads wanted to see the strife prolonged. So long as the Mississippi traffic was suspended, the West and the South suffered, but not the East. The Northwest was more united to the South than to the East, he declared a short while later. Should not the West and South buy their manufactured products from Europe, and Europe become the market for Southern and Western products?<sup>67</sup>

Mahony, in addition to his editorial duties, in January found time to address Democratic meetings throughout the Dubuque trading area and to disclaim a desire for the Democratic nomination for Governor. Lack of success of the Northern armies he attributed to the fact that the heart of the people was not in the war. The enemy was fighting for preservation, he said, but the other side was fighting for greenbacks, "easily manufactured, lavishly distributed."<sup>68</sup>

After nearly a month of editorial labor, Mahony suddenly announced to his readers that he was temporarily returning to the East to superintend the printing of a book on his prison experiences. Hutchins' editorial policy during the Mahony absence covered the gamut of subject matter, with less polish than the Irish editor, although not with less fire.

One Hutchins editorial caused Mahony some excitement while the latter was in New York. Hutchins in early April attacked Catholic Bishop John Hughes, who in the spring of 1863 had endorsed conscription if it were handled in a fair manner. The Bishop replied, through the New York *Herald*, with a counterattack on Mahony. Mahony then wrote a letter to the Bishop explaining that the editorial was another writer's work, and expressing sorrow at the Bishop's ill-feeling toward him. Mahony noted, however, that he agreed with Hutchins that the draft was unconstitutional.<sup>69</sup>

Local Democrats had cause for alarm once in March, 1863, during Mahony's absence. Without previous warning, Hutchins suddenly announced that the *Herald* had been sold to Patrick Robb, a party leader in the city. A communication from Mahony to *Herald* readers informed them that he had been offered the editorship of the Philadelphia *Journal* and that Hutchins would join him, provided that arrangements in Dubuque were satisfac-

<sup>67</sup> *Ibid.*, Jan. 9, 20, 1863.

<sup>68</sup> *Ibid.*, Jan. 24, 1863.

<sup>69</sup> *Ibid.*, Apr. 25, 1863.

tory. Mahony noted that he was glad that he was "no longer obliged to fight a profitless battle."<sup>70</sup> But the next day Hutchins notified *Herald* readers that so many Democrats had come to the *Herald* office to try to persuade the owners to hold onto the paper that he and Mahony were revoking their contract to sell. No offense was intended against Robb, Hutchins declared. He was the "right kind of Democrat."

Not only was Mahony's book, *Prisoner of State*, being published at this time, but also Senator Lazarus Powell, Kentucky Democrat, was trying hard to bring Mahony's special oath and its implications to the attention of the Senate. How Mahony interested Senator Powell in the case is unknown, but that he followed Powell's moves with great interest is known. Between December, 1862, and the latter part of February, 1863, Powell sought vainly to get the Senate to investigate Mahony's charge that he had been released only after he had been forced to sign an oath that he would not sue those persons who had arrested him or caused him to be arrested. A 21 to 19 vote against Powell (and Mahony) on a procedural matter connected with the proposed investigation killed Mahony's attempt to gain vindication from Congress. Both of Iowa's Senators, James W. Grimes and James Harlan, cast anti-Mahony votes.<sup>71</sup>

Stilson Hutchins, following the debate, tersely noted the refusal of the Senate to concern itself with Mahony's case. A letter from Mahony to *Herald* readers reflected his bitterness with the outcome of the Senate action. Noting that Senator Harlan had maintained during debate that there were good reasons for Mahony's imprisonment, he wrote, "Perhaps there was one. If it was not required by military necessity, it was a necessity to secure the election to Congress of William B. Allison."<sup>72</sup>

Mahony's activities in the East, from January 27 to May 19, when he finally returned to the *Herald*, had significance in the light of what occurred in Dubuque in the summer of 1863. In February, Mahony was linked in name at least to high company among Peace Democrat circles in New York City. The Anti-Abolition States Rights Association elected him to an honorary membership on February 25, along with Franklin Pierce, Horatio Seymour, Samuel Cox, and other dignitaries. This was an anti-war

<sup>70</sup> *Ibid.*, Mar. 18, 1863.

<sup>71</sup> Mahony to Mason, Feb. 3, 1863, *Mason Correspondence*; *Herald*, Jan. 8, 11, 13, 1863; *Congressional Globe*, 37 Cong., 3 sess., 106, 140, 155, 183, 1131-5.

<sup>72</sup> *Herald*, Mar. 6, 1863.



group which was mildly active for a time in the city. Also in February, Mahony spoke at one meeting and was present at another of the Democratic Union Association which was sometimes called the Young Men's Democratic Organization, another anti-war body.<sup>73</sup>

Sometime during this period Mahony wrote and had published a pamphlet entitled *The Four Acts of Despotism. Comprising I, the Tax Bill with All Amendments, II, the Finance Bill, III, the Conscription Act, IV, the Indemnity Bill, with Introduction and Comment.* In early May, the pamphlet was advertised in the *New York Caucasian*, a strong "peace paper." Advertising copy declared the Conscription Act, in the words of Mahony, an act "by which all the bodies of poor men not worth \$300 are placed in the hands of the administration."<sup>74</sup>

Mahony's letters from the East to the *Herald* exhibited the post-imprisonment attitude of his January editorials. No longer was the editor content to discuss violations of the Constitution with little more than a sorely aggrieved air. He wrote:

For every man assaulted by an Abolitionist for the expression of his opinion there should be ten subjected to retaliatory punishment. For every Democratic newspaper mobbed by Abolitionists there should be ten destroyed by freemen. I approve of the suggestion made by Charles Ingersoll a few days ago in Philadelphia, which was to the effect that if any one were arrested in that city contrary to law, or if any one were subjected to harsh treatment on account of his political opinions by the administration, the person of the President should be seized in retaliation, to be held as hostage for safe-keeping. . . . There is really no other remedy left now. The courts are no longer free to administer justice.<sup>75</sup>

This was not a call for mob violence, cautioned Mahony, but a course of action which would prevent mob violence. But the time for mass meetings and passing of resolutions was over, he declared. They were not enough. If one could not seize the President, then one should lay hold of any other high ranking federal officer or abolitionist sympathizer. Typical also of this attitude was his warning to *Herald* readers in a letter from Pittsburgh to

<sup>73</sup> Basil L. Lee, *Discontent in New York City, 1861-65* (Washington, 1943), 233-6.

<sup>74</sup> *New York Caucasian*, May 2, 1863, cited in *ibid.*, 255.

<sup>75</sup> *Herald*, Mar. 25, 1863.

prepare for "the blood of revolution," a phrase which was to plague him later on.<sup>76</sup>

Dennis Mahony resumed the editorship of the *Herald* on May 19, after an absence of almost four months. Ahead lay an important decision for the Iowa Democrats. Would the War faction and the Peace faction be able to lay aside their differences long enough to face the Republicans with any degree of unanimity in the coming fall elections? The Republican opposition let it be known early what the Democrats would have to face in the forthcoming struggle. "No man can continue a member of the Democratic party and be less than a traitor, and a rebel, and a murderer," charged the *Davenport Gazette*.<sup>77</sup>

Yet the *Herald*, despite the obvious danger involved, resolved to support no Democrat for Governor who bore any taint of supporting the war. Thus, it opposed General James Tuttle, the choice of many state Democrats, a military man and a long-time Democrat, but a man whom Mahony termed an "expediency Democrat." The *Burlington Argus* attacked the *Herald* on this score. The *Herald* had nearly split the party in 1861, charged the *Argus*, when Mahony called an "irregular" convention, and its nominee later withdrew from the race. Now, continued the *Burlington* editor, the *Herald* would settle only for an "ardent" Peace Democrat. "The *Herald* is being inflexible and zealous like the fanatic abolitionists whom it hates." In answer to this accusation, the *Herald* said, "Mr. Todd [*Argus* editor] knows . . . that instead of dividing or distracting the party two years ago, our course preserved it from disorganization and corruption with which it was threatened by those who desired to affiliate it with Republicanism."<sup>78</sup>

The *Herald* stubbornly pursued its course. At the state convention in Des Moines, July 8-11, the paper's power was felt. Mahony was a delegate without office, but Hutchins was put on the resolutions committee. John Jennings, a Dubuque Peace man, was also a delegate. On the first ballot General Tuttle led LeGrand Byington, Iowa City Peace Democrat, 233 to 230, with three ballots being turned in blank. Because of the closeness of the vote, the convention decided to vote again. In between the two ballots,

<sup>76</sup> *Ibid.*, Feb. 5, 1863.

<sup>77</sup> *Davenport Gazette*, May 22, 1863.

<sup>78</sup> *Herald*, June 28, 30, 1863; *Burlington Argus*, cited in *ibid.*, June 30, 1863.

Hutchins and other Peace men debated with the War faction which supported Tuttle. Byington finally withdrew, and a "moderate" Peace man, Maturin L. Fisher, received the nomination. Fisher won on the second ballot, 245 to 214.<sup>79</sup> A Republican organ reported: "Mahony has triumphed! Tuttle was defeated! . . . The suicide is complete. And now it remains for the War Democrats to say whether Mahony shall be resurrected."<sup>80</sup>

The convention platform declared the party to be against a war for emancipation, against martial law in states where the war was in progress, against suspension of the writ of habeas corpus, and against the suppression of freedom of speech and press. Republican editors were quick to label the conclave a "Mahony Convention" and to accuse Mahony of being responsible for the plank which expressed opposition to waging the war for emancipation purposes.<sup>81</sup>

To this kind of attack the *Herald* felt compelled to reply. An editorial (probably written by Hutchins) asserted that Mahony felt no ill will toward Tuttle and that those who so maintained were simply attempting to "divide and conquer" the party. By such a split did the Democrats lose when Breckinridge and Douglas were nominated in 1860, continued the writer. Launching more deeply into the matter of division, the editorial further stated:

Mr. Mahony will not allow himself to be used for any such purpose. He is too long identified with the Democratic party and has made too many sacrifices for it to suffer himself to be used this late date . . . as a means to divide and distract the Democratic party of Iowa. . . .

Mr. Mahony, like millions of his political associates, is simply a Democrat, nothing more, and does not thank anyone who uses his name as the leader or representative of a faction.<sup>82</sup>

The *Herald's* work was in vain, however, for Fisher declined the nomination. When Fisher withdrew, the editors stated:

The Democratic party is now placed in the same demoralized, disorganized position it was thrown into two years ago, and it is made the object of the jeers of its partisan adversaries. . . .

<sup>79</sup> *Ibid.*, July 12, 1863.

<sup>80</sup> Guttenberg *Clayton County Journal*, cited in *Times*, July 21, 1863.

<sup>81</sup> Benjamin F. Gue, *History of Iowa* . . . (4 vols., New York, 1903), 2:96; Cole, *History of the People of Iowa*, 302.

<sup>82</sup> *Herald*, July 14, 1863.

Shall the Democracy sacrifice itself and its principles by adopting as its candidate for Governor a man who is in service to Abraham Lincoln, and who, if ordered by him to enforce martial law in Iowa would do it as readily and willingly as Gen. Burnside has done in Ohio?<sup>83</sup>

The *Times*, quoting D. N. Richardson, editor of the Davenport *Democrat and News*, said Fisher declined "because the nomination to him was not fairly made." As a result, the party's central committee, meeting at Burlington on August 6, chose Tuttle as the party's candidate by a three to two vote. Tuttle accepted the nomination after first rejecting the anti-war-for-emancipation plank.<sup>84</sup>

*Herald* editorials of the next two weeks reflected the bitterness of the paper's editors over the selection of Tuttle and toward those War Democrats who, it claimed, influenced Fisher to decline. The *Herald*, they declared, could not in conscience take the course of other Democrats in going along with the administration.<sup>85</sup>

Writers of Dubuque's county history state that the *Herald* supported Tuttle.<sup>86</sup> This is true inasmuch as the paper urged its readers to vote the Democratic ticket, but a substantial endorsement of Tuttle was never given. The General was soundly defeated in the election by the Republican nominee, Colonel William Stone, 86,107 to 56,132.

The return of the *Herald's* senior editor also brought within a few weeks a climax to the bitter struggle between the *Herald* and the *Times*. Mahony's utterances, with few exceptions,<sup>87</sup> were of the type which could be classified as fuel to the flame.

In early June he called upon local "law-abiding citizens to organize for self defence against the designs of the Abolitionists and Republican partisans." Later that same month he asserted that the requiring of state and national officials to take the oath of fealty to the United States Constitution was not an indication of the sovereignty of the federal government.

<sup>83</sup> *Ibid.*, July 28, 1863.

<sup>84</sup> *Times*, July 31, 1863. (This is a Richardson paraphrase of a letter from Fisher to Richardson.) Cole, *History of the People of Iowa*, 303.

<sup>85</sup> *Herald*, Aug. 2, 6, 9, 1863.

<sup>86</sup> Oldt (ed.), *History of Dubuque County*, 359.

<sup>87</sup> One such exception was comment approving expulsion of State University of Iowa students for wearing Copperhead badges. The University was no place for partisan politics, he said. *Herald*, May 28, 1863.

In taking an oath of fealty to the Constitution of the United States, he who swears it . . . swears to obey the will of the Sovereign States, which made the Constitution, and not the will of the Federal Government which is merely the creature of the will of the states.

No power ever became greater than its creator, so the federal government could not legally use troops to destroy the states. If it did, this was revolution. No citizen was under obligation to support such a revolution. "On the contrary," maintained Mahony, "he is a traitor to his country who acquiesces in the subversion of the Federal Government and the destruction of the sovereignty of the States."<sup>88</sup>

*Times* editor, G. T. Stewart, was not silent either. Mahony's pamphlet, *The Four Acts of Despotism*, he charged, had been written at the suggestion of Fernando Wood, New York City mayor and prominent Peace Democrat. This charge was repeated in July in an expository editorial which was entitled "The Blood of Revolution," the phrase Mahony had used in a letter to *Herald* readers shortly after his departure for New York. This, said the *Times*, had been a clear incitement to the citizens of Dubuque to revolt. Furthermore, charged Stewart, Mahony's pamphlet was deliberately written for and circulated among the Catholic Irish to cause them to rise in case conscription should be resorted to in New York. Therefore, the draft riots there could be partially charged to him.

To produce a similar outbreak in Dubuque County . . . has been the object of his editorials and speeches ever since his return. If the blood of revolution shall flow through the streets of Dubuque, he will be the incarnate fiend who caused it, and upon his head the hand of vengeance will visit it.<sup>89</sup>

Within four days Mahony filed suit for libel against Stewart. The *Times* editor repeated the charges, citing over thirty Mahony writings in the *Herald* and in *The Four Acts of Despotism* which, he alleged, were evidence of Mahony's disloyalty and willingness to resort to violence against the government. Accounts of the case are nonexistent and neither paper referred to it much thereafter. The only notice of the result was a very small news story in the Republican organ which reported that the grand jury had

<sup>88</sup> *Ibid.*, June 7, 28, 1863.

<sup>89</sup> *Times*, May 30, July 18, 1863.

failed to indict the *Times* editor. "The grand jury found too much truth in the article complained of," was the only word of comment by the *Times*.<sup>90</sup>

The action of the grand jury now seems almost anticlimactic in light of the fact that on August 11, 1863, Dennis Mahony retired from active participation on the *Herald*. In his final editorial, entitled "A Parting Word," he stated that he was leaving because of ill health and because he needed to pursue a vocation which would enable him to support his family more adequately. While he would retain part ownership, Stilson Hutchins would become the managing proprietor. The change would be permanent, Mahony believed, and he would seek other employment which would not "draw entirely upon the mind for exertion." His final word was a thank you to friends who had stood by during his tenure on the *Herald*.<sup>91</sup>

This step, the *Times* averred, was taken to show the people of Dubuque that Mahony had no means of support so as to strengthen his bid to become Democratic nominee for sheriff. On September 12 Mahony was nominated for sheriff of Dubuque County by a unanimous ballot at the county Democratic convention. This nomination brought adverse editorial comment from the *Chicago Tribune* and the *Cincinnati Commercial*, according to the *Herald*. Hutchins noted that in Iowa the Burlington *Hawk-Eye* was giving advice to county voters on how to defeat the ex-editor. Declaring that the abolitionists wanted the defeat of Mahony more than anything else, Hutchins exhorted Democrats to vote for him as a "representative of the party." Only the election of Mahony, he warned Dubuque County Democrats, could prevent an armed alliance of the Union Leagues and the sheriff's office against all Democrats.<sup>92</sup>

The *Times* seems to have concentrated on wooing the Catholic vote away from Mahony in the two weeks prior to the election. Stewart ran articles from Catholic papers extolling the antislavery view, backing these with selected church pronouncements on the subject.<sup>93</sup>

In the election Mahony easily defeated his Republican opponent by 879 votes out of a total of 4,260. This contrasted unfavorably, however, with the showing of the Democratic candidate for Governor, who held a major-

<sup>90</sup> *Ibid.*, Aug. 2, 20, 1863.

<sup>91</sup> *Herald*, Aug. 11, 1863.

<sup>92</sup> *Times*, Aug. 5, 1863; *Herald*, Sept. 26, Oct. 11-12, 1863.

<sup>93</sup> *Times*, Oct. 4, 1863 ("To Catholic Voters"), Oct. 8, 1863 ("To the Irishmen of Dubuque").

ity of 1,266 in the county in his race against Colonel Stone, the Republican nominee. Mahony lost the Julien Township vote which included most of the city of Dubuque by a count of 1,176 to 1,132. Heavy Democratic majorities in the rural townships of the county accounted for his margin of victory.<sup>94</sup> Mahony was re-elected sheriff in 1865 by a heavier majority.

Although Dennis Mahony remained active as a speech maker at party meetings in and around Dubuque, he seems to have resigned himself to a less active role in the affairs of the statewide party organization for the remainder of the war. In the summer of 1864, through the efforts of Charles Mason, Mahony was appointed to the executive committee of the National Democratic Association, an anti-administration group with peace leanings,<sup>95</sup> but there is no record of his active participation in its affairs.

Before Mahony's second term as sheriff had expired, he, Hutchins, and junior partner John Hodnett left for St. Louis to establish the *Times* in that city. In 1871, Mahony sold his interest in the St. Louis paper and returned to Dubuque. There he became part owner of the *Dubuque Telegraph*, which had been established after the war. He later bought out the other owner. In 1872 he campaigned for the election of Horace Greeley, in spite of the latter's condemnation of him ten years previously. During the seventies the *Telegraph* became a Greenback paper, and Mahony was credited with being one of the original supporters of the movement. Death followed a lingering illness in 1879.

Editorial comment on Mahony in Dubuque's opposition papers, the *Herald* and the *Times*, was highly commendatory. Both credited him with great intellectual power and complete editorial honesty and courage. The *Herald's* evaluation is the most revealing and sheds light on the Irish editor's war period journalism. According to the *Herald*, Mahony had always been a Union man in principle and his protests over government acts were mistakenly viewed as treason. He aspired to lead in politics and journalism.

That he failed in his objective was because he lacked not ability, but "policy" — the faculty of dissembling if you please. All great leaders appear to follow that they may lead — they "stoop to conquer." Mr. Mahony could not do this. There was little of the politician and none of the hypocrite in his nature.

He had settled convictions of right and wrong and it was no

<sup>94</sup> *Herald*, Oct. 15, 1863; *Times*, Oct. 16, 1863.

<sup>95</sup> Mahony to Mason, July 5, 1864, *Mason Correspondence*.

uncommon thing for him to assail whole communities of men for acting at variance with his ideas of propriety. He wilfully followed the bent of his temperament to the ruin of his pecuniary, political and personal prospects.<sup>96</sup>

Mahony's desire to lead, if it were frustrated to a large extent, was probably fulfilled by the one group which most likely would have willingly flocked to his banner, and did — the Irish. In 1862 Mahony, apparently somewhat moved by the war spirit, had offered his services to Governor Kirkwood to raise a company of Irish volunteers for the federal army. Kirkwood did not accept the offer, despite the urging of a Dubuque Republican, John T. Brazill, who declared, "Mahony is loyal. He has more influence than any other in the state over the Irish and no other would be so good."<sup>97</sup>

The *Herald* under Mahony was obstinate, querulous, severely critical, even obstructionist, but not disloyal in the largest sense of the word. The Republicans were enough of a minority after the election of 1861 to give some credence to Mahony's repetitious cry that there was a difference between loyalty to the administration and loyalty to the United States. Admittedly much of this and other arguments of men like Mahony can be written off as partisan policy masquerading as principle. But there is enough truth therein to warrant the use of another term than disloyal to describe the men of the Peace Democrat movement and their press.

There is no doubt that the Dubuque *Herald* and Dennis Mahony during the Civil War accurately reflected the dissatisfaction of a great many Westerners, who loved the nation, who hated Northern abolitionism, who feared the growing economic power of the East, and who, nevertheless, decried Southern secession. But the *Herald* and Mahony represented a minority view which called itself conservative at a time when conservatism had little to offer to a nation which was engaged in a deadly internal struggle for its own existence.

<sup>96</sup> *Herald*, Nov. 6, 9, 1879; *Times*, Nov. 6, 1879.

<sup>97</sup> Sage, *Allison*, 53; John T. Brazill to Kirkwood, Aug. 10, 1862, *Kirkwood Correspondence*. Kirkwood made a notation on the letter saying that he dispatched a reply, Aug. 12, 1862, but giving no hint as to the nature of the answer. Mahony was arrested two days later.