

Daniel W. Voorhees

BY FRANK SMITH BOGARDUS

From the beginning of the Civil War, President Lincoln assumed the power of ordering the military authority to arrest persons suspected of treason. These persons were held in confinement without regard to the constitutional right of the writ of *habeas corpus*. The civil courts decided against this action but had no way of enforcing their decisions. By September, 1862, opposition to the measures of the Government had reached such a point in the North that the President issued a proclamation calling for the arrest and trial by military authority of persons discouraging enlistment or opposing the draft. The privilege of *habeas corpus* was withdrawn on the ground of military necessity. Many arrests were made. There was much popular opposition to this policy and Congress took up the question. On March 3, 1863, an act was passed sustaining the President for his arbitrary use of the military power in the matter of arrests, but restricting his power for the future. During the debate on this measure Daniel W. Voorhees of Indiana spoke in the following terms of the President's policy:

Sir, I challenge the worst ages of the profligate and corrupt despots for a more intolerable picture of personal outrage than is here presented. In prisons, in dungeons, in cells, in solitude, and desolation of heart, citizens of this free country are threatened with increased punishment if they resort to the only possible mode of approaching those in power to obtain information or trial with a view to liberty. Many new offenses, unknown to the constitution and the laws have been created by the proclamation of the executive; and to these it must be added that it is a crime for an innocent man, overpowered by unlawful force, and wearing away his life in prison to employ counsel to secure for him the benefit of the laws of the land. Sir, posterity will hold in remembrance the authors of these outrages—The President and his cabinet—in order to execrate the prostitution which they have made of their high offices to the overthrow of the constitution. When they retire from their exalted positions, . . . let them spend the evening of their days in pondering over the wretchedness they have so needlessly and wantonly caused. Let them recall the tears of bitter grief, bereavement, and shame which they have caused delicate and tender women to weep Let them visit the madhouse, and listen to the shrieks and cries of their inmates, as they pour forth their wailings from the shat-

tered dome of thought, and in that saddest sight which earth can present—a mind in ruins—behold a portion of their handiwork which will accompany their names into history. And if dreams come to them in their slumbers, let them dream of the poor suicide, who communed in solitude with his sad heart until his room became filled with shadows and impalpable forms, which mocked his agony and despair, and who, to escape from his unlawful imprisonment, launched his naked soul into the mysterious realms of the infinite and appeared for trial before a compassionate God. Let them awaken to hear the heartbroken sobs of the widow, and the pitiful lamentations of the fatherless. Let them make some atonement for the grief they have inflicted by looking into all the detailed horrors which their system of infernal outrage has brought on unoffending women.¹

Who was this man Voorhees who thus violently denounced President Lincoln and his Cabinet for the suspension of the precious writ and for other arbitrary actions? Can you picture in the mind's eye a big man over six feet tall, thick chested, with massive frame, with fair hair and beard, thirty-six years of age, at the very prime of life, defiantly facing a hostile majority of members in the national House of Representatives and offering to them this scathing rebuke? It was not the only time that Voorhees of western Indiana, in the midst of the grim and terrible conflict, dared to offer caustic criticism of the administration of Lincoln and the majority party in Congress. This attitude of opposition coupled with his great oratorical powers caused people to ask, "Whence Comes he?"

Daniel Wolsey Voorhees was born in Butler County, Ohio, in 1827. He died in Washington, D. C., in 1897. The family, of Revolutionary stock, was caught in the westward rush of pioneers seeking cheap land and located in Fountain County, Indiana, when Daniel was a mere babe. The father, Stephen Voorhees, was the son of Peter Voorhees of New Jersey.² The mother was Rachel Elliott of Maryland. They settled in the neighborhood of Covington. Young Voorhees grew up on the farm, entered into all the typical pioneer farm boy's experiences and landed at Indiana Asbury College, now DePauw University. Here he was graduated in 1849. He made something of a reputation as an orator in his college days. It is of record that his class mates and professors expected unusual things of him. Upon graduation he took up the study of law at Crawfordsville in the office of Lane and Wilson.³

¹ *Cong. Globe*, 37 Cong., 3 Sess., 1057.

² H. C. Bradsby, *History of Vigo County* (Chicago, 1891), 979.

³ *Ibid.*, 980. The law partners were Henry S. Lane and James Wilson.

Covington was then one of the most promising towns in western Indiana and there young Voorhees chose to set out his shingle and undertake the practice of law. He came under the notice of the ill-starred Edward A. Hannegan, also of Covington, who had already served two terms in the House and one term in the Senate of the national Congress and who had the reputation of being one of the outstanding orators of the Nation. Hannegan heard Voorhees deliver a Fourth of July speech and was so impressed with his ability as a public speaker that he invited Voorhees to become his partner. Voorhees accepted and the connection was made. In 1853 Voorhees was appointed prosecuting-attorney for the local Circuit Court by Governor Joseph A. Wright.⁴ This marks the entrance of Voorhees into the field of politics. While holding this office, in 1856, he received the Democratic nomination for Congress and was beaten by two hundred thirty votes, after an intense and dramatic campaign, by James Wilson of Crawfordsville. These two men stumped their district in a series of joint debates that in a very curious fashion anticipated the battle of Lincoln and Douglas in the senatorial campaign of 1858. The story of the campaign by Voorhees and Wilson is charmingly told by Henry Lane Wilson in the *Indiana Magazine of History* for June, 1928.⁵

Voorhees, suffering the bitterness of defeat, was invited by Judge Elisha M. Huntington of the Vigo County bar to move to Terre Haute. He accepted and in 1857 removed to that city, where he maintained his residence to the time of his death. His chosen field of action was the bar of the criminal court where he quickly became eminent as a skilled and eloquent advocate.

The break between Buchanan and Douglas over the Le-comptive Constitution was the occasion for Voorhees receiving his first recognition from the Federal Government. At this time Alvin P. Hovey was United States Attorney for the district of Indiana. He was a strong Douglas man and made himself so obnoxious to the Buchanan people that in 1858, Buchanan removed Hovey and appointed Voorhees as his successor. This indicates that Voorhees was now being recognized as a leader of some importance in the ranks of the Democratic Party of the state. In 1860 and again in 1862 he was

⁴ *Ibid.*, 980.

⁵ The title of the article is "An Early Indiana Political Contest" in XXIV, 96-104.

elected to represent the seventh Indiana district in the national House of Representatives. This district consisted of the following counties: Clay, Greene, Owen, Putnam, Parke, Sullivan, Vermillion and Vigo. In 1864 he was a candidate to succeed himself and his supporters claimed that he had a clear majority of over six hundred votes.⁶ However, his election was successfully contested by Colonel Henry D. Washburn and the Republicans in Congress sent Mr. Voorhees back home. This action took place on February 22, 1866, after Pres. Johnson had vetoed the Freedmen's Bureau Bill. It was alleged that Thaddeus Stevens, then leader of the Radicals in the House, informed Voorhees that this seat was necessary in order to give a two-thirds majority to wield against President Johnson.⁷ The attacks on Thaddeus Stevens and his following by Voorhees had been so bitter that it is not difficult to see why they picked him for the sacrifice. In 1866 he was not a candidate, but in 1868 and 1870, he was successful. It is interesting to note that the Grant electors received a majority of three hundred five votes in Vigo County in 1868, while Voorhees' majority over Carter was one hundred twenty-eight.⁸ Once more in 1872, he was a candidate for the same office but fell a victim to the Democratic coalition with the Liberal Republicans of that year. Many Democrats did not accept the position of their party in endorsing Greeley for President and stayed away from the polls. This probably explains the defeat of Voorhees by General Morton C. Hunter.⁹ The attitude of Voorhees toward a possible fusion of Democrats and Liberal Republicans was indicated very early in a letter to his friend, J. C. Briggs, of Terre Haute: "The idea that I would support Grant under any circumstances seems too ridiculous for consideration. The reason why I will not support Greeley is that he is no better than Grant in some respects and on some points he is worse."¹⁰ This was a positive declaration but like a good many other politicians, Voorhees could accommodate himself to circumstances. When the Democratic National Convention at Baltimore endorsed Greeley and Brown, he had to submit. He attended the district convention at Spencer, Owen County,

⁶ A. B. Carleton, in a sketch of Voorhees printed as an introduction to *Speeches of Daniel W. Voorhees of Indiana* (Cincinnati, 1873), compiled by his son Charles S. Voorhees, p.x.

⁷ Bradsby, *Vigo County*, 980.

⁸ *Ibid.*, 395.

⁹ *Ibid.*, 980.

¹⁰ *Ibid.*, 397.

Indiana, and was placed in nomination for Congress. He made a speech in which he said that he would not retract or qualify a word he had said about Greeley, but that his anti-Greeley speech in Congress was directed to the Baltimore Convention and that now he fully recognized that it [the Baltimore Convention] had full authority to control Democratic voters.¹¹ To further show the spirit of accommodation he presided at a Greeley meeting in Indianapolis when Greeley was present.

From 1872 to 1876, Voorhees devoted himself to the practice of law in Terre Haute. It was during this period that he made some of his most famous pleas as a criminal lawyer. In 1877 Oliver P. Morton, United States Senator from Indiana, died and Governor Williams appointed Voorhees as his successor. Voorhees completed Morton's term and continued to hold the office for the eighteen succeeding years, being elected for three successive terms. It was his fortune to defeat Benjamin Harrison for the office in 1878, but he was in time beaten by Charles W. Fairbanks in 1897. A few months later he died in Washington and was buried in Terre Haute. Thus it appears that Voorhees served four terms in the House of Representatives and a little more than three terms in the United States Senate. Judge Thomas B. Long declared that, "From his first nomination to Congress in 1856, he never, in any of the conventions in which his name was presented as a candidate for the House or Senate, had opposition in his own party."¹²

Such, in outline, was the life of Daniel W. Voorhees. In his views on political and social questions it must be admitted that he accurately represented the sentiments of the Indiana Democracy during the war and during the period of reconstruction. His fear and dislike of the negro was only equaled by his hatred of the abolitionist. In his famous defense of John E. Cook in connection with the Harper's Ferry raid, [1859] Voorhees uncorked the vials of his wrath and poured their contents upon the devoted heads of the abolitionists. Cook, a brother of Governor Ashbel P. Willard's wife, but one of John Brown's followers, was wounded, captured, and held for trial. Willard called upon Voorhees to defend Cook in the famous trial at Charlestown, Virginia. Voorhees heeded the

¹¹ *Ibid.*, 398.

¹² See a sketch of Voorhees by Judge Thomas B. Long, printed as an introductory chapter in *Forty Years of Oratory: Daniel W. Voorhees* (Indianapolis, 1898), edited by his sons and daughter, I, 6.

call and took a prominent part in the trial. In brief, he laid the blame on Brown and the anti-slavery leaders of the North. Hear him:

But, gentlemen, in estimating the magnitude of this young man's guilt, there is one fact which is proven in his behalf by the current history of the day which you can not fail to consider. Shall John E. Cook perish and the real criminals who for twenty years have taught the principles on which he acted hear no voice from this spot? Shall this occasion pass away, and the prime felons who attacked your soil and murdered your citizens at Harper's Ferry escape? False and malignant counsels have been dropping for years as deadly and blighting as the poison of the Bohun Upas tree, from tongues of evil and traitorous persons in that section of the union in which the prisoner belongs. They have seduced not only his mind but many others. On the skirts of the leaders of abolition-fanaticism in the North is every drop of blood shed in the conflict at Harper's Ferry: on their souls rests the crime of murder for every life lost." He names Wendell Phillips, William H. Seward, Joshua R. Giddings, Beecher, Parker, Sumner, and lays the burden of guilt upon them. "Midnight gloom is no more somber in contrast with the blazing light of the meridian sun than is the guilt of such a man in comparison with that which overwhelmed the prisoner. They put in motion the maelstrom which has engulfed him. They started the torrent which has borne him over the precipice. They called forth from the caverns of the deep the tempest which wrecked him on a sunken reef. Before God, and in the light of Eternal Truth, the disaster at Harper's Ferry is their act and not his. May the ghost of each victim to their doctrines of disunion and abomination sit heavy on their guilty souls. . . .¹³

With this soul-moving denunciation, Voorhees left the case to the jury. While old John Brown was convicted of murder and treason, Cook was found guilty of murder only. Governor Wise of Virginia refused to extend clemency and Cook was hanged. This thrilling and impassioned defense of Cook placed Voorhees in the front rank of special advocates at the bar of the country. The next day he awoke to find himself famous. The fame thus secured was only enhanced in subsequent cases such as the Mary Harris case, the Harry C. Black case, and the Edward T. Johnson case, until it may truthfully be said that Voorhees stood without a peer in this species of forensic prowess.

In considering the life and work of Voorhees, we must not lose sight of the fact that he represented a district whose people were predominately of southern stock and sympathies. Most of his constituents disliked and distrusted the negro,

¹³ *Speeches of Voorhees*, 1.

hated the abolitionists and believed firmly in the doctrine of state rights. Regarding inter-sectional disputes they believed that they should be settled on the principle of compromise and they were deeply impressed with the doctrine of equality of all the states. To all of this Voorhees most heartily subscribed. With sublime racial egotism, he asserted, in his oration called "The American Citizen" that,¹⁴ "Free government occupying the wholesome medium ground between anarchy and the licentious violence of the unrestrained populace on the one hand and rigid tyranny on the other, has been aimed at and sought after but never fully attained until the Anglo-Saxon race laid its hands on the destiny of the world and became the champion of liberalized civilization." Then well-seated on the back of his oratorical Pegasus he soared away in denunciation of that "false and pernicious system of political ethics, which proclaims as its favorite dogma the unqualified equality of the whole human family." True, he had a little trouble with the Declaration of Independence but succeeded in evolving a "reasonable and sensible" construction of that instrument which proved highly gratifying to an audience of slave-holders.

Furthermore, Voorhees was opposed to abolition whenever enacted into law by Congress. In a Philippic called the "Conscript Act" delivered on February 23, 1863, he let loose the reins of passion and indulged his genius for denunciation to the full. He denounced the Republican party for abolishing slavery in the Territories and in the District of Columbia. He denounced it for recognizing the negro governments of Liberia and Haiti. He denounced Lincoln's plan for compensated emancipation:

Sir, will this madness never cease? Can you learn nothing by experience, that school-master which teaches the most foolish? Sir, I say here and now that not one dollar, not one cent, will the people I represent ever pay to Missouri, to Maryland, or to any other state, to purchase their slaves. And you can not make them. Please remember this. You can not lawfully add untold millions to our taxes for that purpose; and the people will repudiate this illegitimate item of expensive fanaticism."¹⁵

His comment on Lincoln's Emancipation Proclamation was as follows:

¹⁴ *Ibid.*, 27.

¹⁵ *Cong. Globe*, 37 Cong., 3 Sess., 1229.

¹⁶ *Ibid.*, 37 Cong., 2 Sess., 1150.

Ten days before he issued it he said that he had not the power to promulgate such a document and that it would do no good if he did. In that he was right for once. But I suppose he gave way to pressure. Yes, pressure. He was pressed. By whom? By Horace Greeley, that political harlot, who appeared in a praying attitude in behalf of twenty millions of people.¹⁷

He also commented caustically on Lincoln's lack of backbone and attributed the necessity of the draft to the policy of abolition: "You purpose to put the black man along side of the loyal white soldier. You purpose to buy negroes, steal negroes, fight for negroes, obtain negroes in any way and then humiliate and disgrace the white soldier by his presence and contact in the ranks." In order to make this burst of fervid rhetoric complete he accused the administration of being, "rankly disloyal to the Constitution" and wound up by making a threat of armed resistance to the government if it attempted to enforce the draft.¹⁸ Can anyone question the statement that Voorhees feared and distrusted the negro and opposed emancipation with all his strength?

In January, 1865, emancipation was before the House of Representatives in the form of the Thirteenth Amendment. The proposed Amendment had passed the Senate in 1864, but had been defeated in the lower branch. Voorhees watching the progress of the Union armies, had been driven by the iron logic of events to admit that slavery was doomed. All through the struggle, he had been hoping that the people would rise against Lincoln and repudiate his policy in the election of 1864. Instead of this Lincoln and Johnson came through with two hundred and twelve electoral votes to twenty-one for McClellan and Pendleton. This might not mean approval of Lincoln's plans for reconstruction but it undoubtedly did mean that the voters intended to stand by him until the war was ended. They were determined to save the Union.

The re-election of Lincoln was the severest blow Voorhees had suffered. In a speech on January 9, 1865, he admitted that Lincoln told the people in advance of the election, that his re-election meant the overthrow of the institution of slavery and that now the blood and treasure of the country was to be devoted to that purpose. Voorhees then tried to make the best of the situation by proclaiming his own indifference so

¹⁷ *Ibid.*, 903-907.

¹⁸ *Ibid.*, 37 Cong., 3 Sess., 1229.

far as the existence of the institution of slavery was concerned, but declared that he would vote against the pending amendment on the ground that this was not the proper time to amend the Constitution.¹⁹

Dr. James A. Woodburn, the honored President of our Historical Society, years ago prepared a study of "Party Politics in Indiana During the Civil War."²⁰ He put the Democrats into three groups: first, War Democrats, or those who believed in a vigorous prosecution of the war and who were ready to fuse with the Republicans in a Union party; second, "Copperheads," or those who favored only a defensive war, opposed a war for the Union, favored conciliation and compromise, sympathized with the South and were willing to commit overt acts in order to slow up the war for the Union; third, Constitutional-Union Democrats, or those who had favored concession, conciliation, and compromises in the years before the war. The last group meant to save the Union by this means rather than by war but they would and did fight to save the Union. While they abhorred a war to free the negro or to subjugate the South still they had a deep and sincere devotion to the Union which led them in large numbers into the Union armies when they saw that the question would not be settled by compromise and conciliation.

Let those who doubt the utter loyalty of these people look at the table of enlistments given in Professor Esarey's work on Indiana.²¹ Call the roll of the counties of the state and you will find that the counties of the old seventh district maintained as high and in many cases a higher proportion of enlistments according to population than the counties in the northern half of the state. Though these thousands of Democrats did not desire to free the slaves nor to subjugate the South, yet they shouldered arms and marched away to fight in "Lincoln's war." They simply could not find it in their hearts to see the Union destroyed. What a bitter choice was theirs! They must face the fact that the fruits of their sufferings and wounds would surely be something they did not believe in, yet the Union must be saved.

Now, Voorhees can safely be classed in the third group, the Constitutional-Union Democrats, but it must be said that

¹⁹ *Ibid.*, 38 Cong., 2 Sess., 181.

²⁰ American Historical Association, *Annual Report*, 1902, I, 225-251.

²¹ Logan Esarey, *History of Indiana* (Indianapolis, 2 vols. 1915-1918), II, 765.

he showed during the early part of the struggle a strong tinge of copper.²² By the time the war was half over he had gotten to the point where he was willing to vote men and supplies for the prosecution of the war. That he felt keenly the charge of his political opponents to the effect that he was refusing to give reasonable support to the Union armies in the field is shown in a proclamation to the soldiers of Indiana which he issued on September 14th, 1863.

If any gentleman can find one vote that I ever gave against an appropriation of money for the benefit of the soldier I will resign the seat which I now hold and agree to go out of political life forever. Whatever may have been and still is my opinion as to the origin and the necessity of this war, whatever may be my opinion of the management and the political issues which the party in power seeks to carry out in connection with it, still I have never considered the starving of our soldiers in the field or the stopping of their pay as the proper means of bringing it to a close. During my Congressional life when, and in what instance have I ever failed to render every assistance in my power to the sick, the wounded, and the needy? I have given more dollars in this cause than my traducers have given cents.²³

But his main arguing point was constitutionality. Being a firm upholder of the state rights theory, he held that the war was unconstitutional in as much as it was being used as a means of coercing sovereign states and of confiscating the property of the southern people. Hence, he claimed that the Democratic party was trying to save the Constitution and that the war party was killing the Constitution. He denied that his country was the physical continent that extended from Canada to the Gulf of Mexico but asserted that his country was the Constitution.²⁴ The violation of its provisions, its spirit and its intent was to him a species of treason. Hence, if there were any traitors concerned in this difficulty they were those who were proceeding contrary to the Constitution, namely, the war party. This theory of constitutionalism ran through all of his speeches on the subject of the war and formed the basis of all of his opposition to the measures of the government.²⁵

²² See William Dudley Foulke, *Life of Oliver P. Morton* (Indianapolis, 1899), II, 391-393 (note), for his account of the finding of disloyal correspondence in the office of Voorhees in Terre Haute.

²³ *Weekly Wabash Express*, Sept. 20, 1863. The statement found here was a reply to a scathing article in the *Daily Wabash Express* of July 12, 1863, in which Voorhees was accused of failing to support the War.

²⁴ *Speeches of Voorhees*, 96.

²⁵ Time forbids following this point further. The reader is referred to Professor Woodburn's article cited above for additional light.

Voorhees was reasonably consistent all the way through. In regard to reconstruction, he heartily supported the policy of Lincoln and Johnson and bitterly denounced the congressional program.²⁶ His oration of March 23, 1872, is a masterly denunciation of the misrule of the military governments in the South.²⁷

He, of course, occupied the traditional Democratic ground of opposition to the protective tariff. His argument of March 19, 1890, would be interesting reading to the farmers of today. He stood, or claimed to stand, as the embattled champion of the farmer against the plutocratic forces of the East. "The compensation to the farmer for the enormous and infernal taxes he has to pay under the tariff on all he needs and all he uses," he proclaimed, "has always been the loud, prolonged, and vehement promises of an eager, remunerative, home-market? The farmer is hunting for it, and mourning because it is not to be found. Home-market! What lies have been told in its name!"²⁸

Voorhees was not interested in civil service reform. He accepted Senator Marcy's famous dictum both in theory and practice. The squabble over the Terre Haute Post Office when Donham tried to take that berth away from Greiner is a classic illustration.²⁹

Of course he condemned the resumption of specie payments and the anti-greenback policy of the government holding that the whole policy was dictated by the money class, bond-holders and financiers, for their own benefit. He was a friend of silver.³⁰ He never got through talking of the Crime of '73; yet he supported Cleveland in connection with the repeal of the purchasing Clause of the Sherman Act.³¹ This seems inconsistent but he solved the inconsistency to his own satisfaction by denying that repeal meant the demonetization of silver.

The supreme interest in Daniel W. Voorhees is found in two main aspects of his career: his great ability as an advocate and his understanding of the views and desires of the people of southwestern Indiana. In regard to the first, whether he was speaking as a lawyer, pleading for the

²⁶ *Cong. Record*, 42 Cong., 2 Sess., 922.

²⁷ *Ibid.*, 39 Cong., 1 Sess., 115-150.

²⁸ *Ibid.*, 51 Cong., 1 Sess., 2378.

²⁹ Foulke, *Fighting the Spoilsman* (New York, 1919), 96-98.

³⁰ *Forty Years of Oratory*, I, 290; also *Cong. Rec.*, 45 Cong., 2 Sess., 604, 838.

³¹ *Ibid.*, 53 Cong., 1 Sess., 589.

life of some accused person, or in Congress arguing for or against some policy of the time, his addresses were always impressive. He had a wealth of classical allusions and a sweep of historical knowledge that gave a finish and polish to them far beyond anything attained by other speakers of the time. There was a free and impressive use of the bold imagery that characterizes the formal oratory of an earlier day in American and English history. His speeches in this respect remind one of the rounded periods of the elder Pitt and of Daniel Webster at his best. Pathos, fire, glowing denunciation, all of the classic forms of appeal to the emotions were used by him. Indeed, it must be said that his supreme power lay not in logical analysis nor in close compact, formal presentation of fact but rather in his ability to reach into the human heart and play upon its emotions at will.

Concerning the second important aspect of his public life, it may be strongly asserted that he was a true representative of the Democracy of southern and western Indiana. In relation to slavery and the war, his views were the views of many thousands of good men who wanted to see the Union saved from destruction but were strongly opposed to the methods employed. This fact, added to his natural oratorical powers made him a figure of importance in the forum of national affairs. It thus came about that he came to be one of the spokesmen for the entire Union-Democracy of the north. The attitude expressed in his Greencastle speech at the beginning of the war when he said, "I say to you, my constituents, that as your representative I will never vote one dollar, one man, or one gun to the administration of Abraham Lincoln to make war on the South",³² gradually changed until he was advocating increased pensions for union soldiers, was supporting the policies of the President against his own party and finally composed the most moving eulogy of Abraham Lincoln in existence.³³

At this distance from the conflict, it ought to be possible for us to take an unprejudiced and non-partisan view of a man like Voorhees. Perhaps we have learned something from our experience in the World War. Can a man criticize the policy and measures of the government during a war and yet

³² Speech at Greencastle (Ind.), April 10, 1861, in the *Daily Wabash Express*, July 12, 1862.

³³ *Forty Years of Oratory*, 78.

be loyal? Thinking of Voorhees it seems that it can be done. The war to his way of thinking was unnecessary. It was supported in objectives and methods by a majority to which Voorhees did not belong. In political theory, he was directly opposed to them and hence found a place in the minority group. His great oratorical powers brought him to the front in that group. Here, he energetically attacked, yes, savagely attacked, the methods of the majority in carrying on the war. He felt that the Constitution still lived—that the war should be prosecuted within its boundaries. He saw the majority pushing the powers of government far beyond such boundaries and moving toward tyranny. He did not accept the Roman dictum, *Inter arma silent leges*. In speaking out boldly in opposition he did much to maintain the constitutional rights of the minority and to modify and restrain the majority in the exercise of its powers.