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THE BRODERICK-TERRY DUEL:
THE FALL OF PRO-SLAVERY DEMOCRATS IN CALIFORNIA

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On the cold, foggy morning of September 13, 1859, a crowd of 80 spectators gathered on the shores of Lake Merced, at the southern edge of San Francisco. Seagulls swooped through the low-hanging fog, and the harsh wind coming from over the lake's waters chilled all who had come to watch two men enter the field of honor.¹ Those two men were U.S. Senator David Broderick and California Supreme Court Justice David Terry. As the sun began to rise over the eastern hills, the duelists stepped forward, armed with Belgian pistols.² Two attending surgeons stood close by, prepared to render their services. Broderick and Terry affirmed that they were ready and almost as soon as the count of one had been given, the alarming crack of a gunshot was heard. Seconds later, on the count of two, an answering shot rang out, and Broderick crumpled to the ground, hit in his right side.³ Three days later, he was dead. His final words were, "They have killed me because I was opposed to the extension of slavery and a corrupt administration."⁴

This duel changed a decade of power struggles in California during the 1850s between two political factions, one Southern

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and pro-Slavery, and the other Northern and in favor of the Free Soil movement, which stood for free labor against slavery. The pro-Slavery faction had essentially won control of the state in their sweeping victory at the polls in the election of 1859, but no less than 14 days after the results were announced, the duel between Northern faction leader, Senator Broderick, and a prominent Southern politician, Justice Terry, reversed that victory. At the time, dueling had become a tool used by Southern politicians to eliminate their political opponents, and Terry aimed to cement his status in his party by removing their greatest, most outspoken opponent. Ironically, in killing Broderick, Terry destroyed the power and dominance of his own Southern political faction. Broderick's death elicited such public outrage that the Southern politicians were unable to retain control of the state.

Though the number of duels fought in the United States during the 1850s was in decline, the culture behind dueling was alive and well. A part of American life since 1621, dueling was practiced by gentlemen all over the country, especially in the South, where the duel was considered a ritual for the upper class.⁵ Northerners also participated in this form of mortal combat; however, the duel became seen as distasteful in the North and mostly limited to the South after prominent Northern politician Alexander Hamilton was killed dueling in 1804. The concept of dueling fit well with Antebellum Southern elites' beliefs that personal honor should be defended at all costs, even with one's life, and that offenses caused by another's actions or remarks should be resolved formally.⁶ It was nationally declared illegal in 1838, but the heavily engrained practice was still condoned by Southern society.⁷ In fact, because so many Southerners migrated to California in the 1850s and 1860s, San Francisco became the dueling capital of America.⁸ The practice had also been criminalized in California's constitutional convention, yet regardless of dueling's legality or one's moral opinions, if a man was challenged by a social equal, he had to comply or face being ostracized and viewed as a coward.⁹

David Broderick was the champion of the Free Soil Democrats in California and dedicated most of his political life

to protecting labor equality. His fierce opposition to slavery most likely arose from his background as a working class first generation Irish American.¹⁰ As the provider and head of his family since the age of 14, Broderick had no respect for men who lived off the toil of others.¹¹ This perspective constantly put him at odds with the pro-Slavery Democrats, known as the “Chivalry” of California and sometimes placed him in violent confrontations. In 1852, in the heat of a campaign, Broderick was involved in a vehement argument with a Chivalry Democrat, and the altercation, which turned physical, left him marked for life by a jagged facial scar.¹² The same year, *The Daily Alta California* commented on his character as a politician: “... [He shows] his devotion to public interest and his instinctive stubborn sense of duty.”¹³ This analysis was accurate: Broderick had a very distinct sense of justice and was never willing to back down from his beliefs. This immovable will power constantly placed him at odds with the Chivalry throughout his political career, until his untimely death.

David Terry was a Southern, slaveholding lawyer who became a Chivalry Democrat because he supported the institution of slavery and was “intensely Southern in all his views and feelings.”¹⁴ It was said by the press that “it would be impossible, probably, to find in all California [a man] who more completely [embodies] the principles [of the Chivalry].”¹⁵ Terry briefly left the Chivalry’s ranks in 1854 when he was nominated and elected as a justice of the California Supreme Court by the short-lived nativist Know-Nothing party. When the Know-Nothing Party lost political clout, Terry had difficulty regaining the confidence of the Chivalry Democrats because they saw him as a political opportunist.¹⁶ Terry, however, was eager to show his solidarity with the other Southern Democrats. After failing to rise in the Chivalry’s ranks, Terry used the Chivalry’s tactic of inciting a duel of honor as a pretense to murder Broderick.

California qualified for statehood in 1849, at the height of the national argument over the expansion of slavery. The pre-existing Missouri Compromise of 1820 designated that territories entering the Union below the 36th parallel would enter with

slavery and those above it would be free.¹⁷ However, it was not clear what would happen to California since it covered territory both above and below the 36th parallel. The Gold Rush of 1848 had brought slavery to the forefront of California politics.¹⁸ Fueled by the discovery of gold, the territory was transformed from an expanse of undeveloped land to a booming center of new opportunities. By 1849, the population had grown from 1,000 to more than 100,000, fulfilling the requirement for statehood, as men from all over America, Mexico, Peru, Tahiti, Hawaii, Britain, France, and China arrived with visions of wealth and prosperity.¹⁹

Within the fledgling territory, slavery had almost immediately drawn battle lines among the new settlers over whether or not California would become the newest extension of slavery. Pitted against each other were the Free Soil Democrats who identified with the national Free Soil movement and, on the other side, the slave-holding Chivalry Democrats who had named themselves in honor of their Old Southern values. The former were mostly Northern men who opposed slavery because they feared that the competition from unpaid labor would endanger their job opportunities and economic prospects; the latter were wealthier men who had profited from the institution of slavery and hoped to further benefit in their new home by using slaves to mine gold. These slaveholders projected that a slave's economic value in California's gold mines would be three to five times what it was in the Old South. California, they believed, was the future of slavery, and with the advent of the Gold Rush, increasing numbers of Southerners had migrated into California with their slaves.²⁰

At the state Constitutional Convention in Monterey, on September 1, 1849, both Free Soil and pro-slavery delegates convened to write a state constitution and determine the future of slavery in California.²¹ The majority of the delegates were Free Soilers who were determined that California should remain an opportunity-rich land of equality, but the small pro-slavery faction had a different vision. Realizing that they could not convince the convention to support a "slave" state resolution, the pro-slavery delegates tried to convince their colleagues that California was too

large and should therefore be split into two states, one free and one slave, also thereby maintaining the balance of free and slave states within the Union.²² This would have been in keeping with the Missouri Compromise. Though the Southerners were more experienced at political maneuvers than their Free Soil counterparts,²³ they were overruled by the desire of the majority to avoid sectionalist policies.²⁴ The elected delegates to the Constitutional Convention explicitly wrote a “no slavery” clause into California’s state constitution.²⁵

The final legislative determination of the status of slavery in California was to be given by the United States Congress. According to the Compromise of 1850 proposed by Senator Henry Clay, California would enter the Union as a single, free state as had been requested by the California Constitutional Convention.²⁶ The bill ignited fierce debate in the national legislature, and Senator Jefferson Davis, the eventual president of the Confederacy, voiced the frustration of the Southern politicians and threatened secession if Clay’s bill was passed on the grounds that it broke the balance of Slave and Free states in favor of the Free states.²⁷ With significant concessions to appease the Southerners, the bill was passed.²⁸ California’s status as a free state appeared to be cemented in the decisions of both the National and State legislatures. Far from ending the debate, however, these rulings marked the beginning of a decade of tumultuous political discord in California.

Just as the argument over the expansion of slavery had divided the nation’s politicians, it had also created two factions within the California Democratic Party, each with separate political agendas. The difference in ideologies was great enough that the factions frequently had less in common with each other than with other political parties. The slavery question had permeated the other political party of the day, the Whigs, as well, but because the Democrats dominated California politics at both state and local levels, the rivalries and tensions between their factions took center stage in press coverage and in California’s early political debates.²⁹ Both the public and press understood that the root of

the division did not lie in the politicians' divergent geographical origins, but rather, in "slavery and feeling with regard to it."³⁰ It was also noted by the press that the Chivalry often kept their plans secret even from their support base of voters because most of their supporters were "generally opposed to slavery and the ultra plans of the Chivalry leaders."³¹ The Democratic Free Soil faction's support base was not exclusively Northern, and among their numbers were some of the Southerners who did not favor the introduction of slavery to the state.³² The rivalry of the two Democratic factions was intensified by the personal rivalry of the groups' leaders, David Broderick and William Gwin, who embodied the ideals of their respective political wings.

As the leader of the Chivalry, Gwin had originally spearheaded the unsuccessful attempt to carve a slave state from Southern California at the Monterey Statehood Convention in 1849.³³ He was a wealthy, politically-connected slaveholder, and the most powerful Southerner in California.³⁴ Gwin believed in slavery and its extension; however, as Broderick would later publicly accuse him, he ultimately had "no interests except those which supremely concentrate on self."³⁵ This was demonstrated by his willingness to give speeches advocating for free labor and traditionally Northern values at the Constitutional Convention of 1849 in anticipation of the upcoming senatorial race.³⁶ But once there were enough fellow Chivalry Democrats in positions of power, he would show legislative support for the extension of slavery. This was evidenced in both his clear support for the Lecompton Constitution, which would have made Kansas a slave state, and his later support of the Confederacy.

Among the common men of California, the conflicts between the Free Soilers and the pro-Slavery Southerners had proliferated in spite of the nationally mandated ban on California slavery because the Southerners had neither relinquished their slaves nor had they stopped bringing new slaves into the state. The majority of California's population was made up of miners and entrepreneurs. These were people who, for the most part, still felt that their chance of striking it rich in the gold country

was hindered by the presence of slaves for two reasons: not only were the slaves used by their owners to dig more gold, but they were also used by their owners to stake claims on additional mining areas beyond what one individual was allotted.³⁷ In 1852, the Southerners used their money and influence to create legal loopholes that would allow them to retain their slaves for a grace period; they were able to renew this law to extend the grace period until 1855.³⁸ All the while, in blatant violation of the law, they used their slaves to mine gold. Furthermore, many slaveholders back in the Old South wanted to capitalize on the gold mines as well, so U.S. Senator James Gadsden of South Carolina sent the California state legislature a petition with over 1,200 names requesting that South Carolinians be allowed to migrate into California with their slaves. His proposition was turned down, but many of his followers moved in with their slaves anyway. For these reasons, there were more than 600 slaves in California two years after it had entered the Union as a Free State.³⁹ Free Soilers were infuriated that the Southerners were able to skirt the pre-existing laws because they were wealthy and had out-of-state support. In direct response, Free Soilers took action by forming anti-slavery newspapers, threatened and occasionally lynched slaveholders, and encouraged (and in some cases actively helped) slaves to flee.⁴⁰

The Chivalry tried twice to legalize slavery by legislative means and were thwarted by Broderick in both attempts. The first attempt, in 1850, was a proposal that slavery in California should be decided by a vote of popular sovereignty. The wording of the bill subtly prohibited anti-slavery political action, so Broderick successfully motioned to amend the bill to include anti-slavery language, thereby undoing the original intent of the bill so that it would never pass.⁴¹ In 1852, the Chivalry proposed an additional constitutional convention at which they would revise the original state constitution in order to split the state.⁴² *The Alta California* observed that by creating a second California that allowed slavery, the Chivalry would be “[throwing] a fire-brand into the Confederacy, which will light a conflagration disastrous to our country and the cause of liberty in the world.”⁴³ Determined to halt their plans, Broderick secretly gathered legislative support, and then

had the measure indefinitely postponed. To kill the measure once and for all, he moved to reconsider the measure so that his supportive majority would vote to reject this motion; in so doing, by law, the bill could never be re-introduced.⁴⁴ Twice, the Chivalry had ignored the known will of the people in order to overturn the ban on slavery, and on both occasions they were caught and stopped by Broderick.

The Chivalry and Broderick had a number of legislative battles, and in most cases Broderick won, though he was not always able to defeat the pro-Slavery agenda. For example, on one occasion, the Chivalry proposed the "Coolie Bill," in which Asians, free blacks, and other non-whites could enter the state under a contract of extended servitude enforced by the state; any individual who broke his or her contract would be imprisoned and fined.⁴⁵ Broderick and his Free Soil allies organized mass meetings of miners whose livelihoods would be hindered by the proposed law, which amounted to state-sanctioned serfdom, and managed to indefinitely postpone the bill.⁴⁶ On another occasion, in 1852, the Chivalry tried to enact a harsh fugitive slave law that would enable whites to claim almost any free African American as a slave and also make the African American in question defenseless in court. Though Broderick used multiple parliamentary tactics to delay and frustrate the bill, the Chivalry's majority won.⁴⁷ Broderick's counterattacks to the Southern agenda made him the object of intense animosity from all of the Chivalry. Other politicians had opposed their legislation, but they had done so with reserve for fear of becoming a pariah of the Democratic Party or being labeled an abolitionist. Broderick regularly and contemptuously denounced the Chivalry, and it was said by the press that, among the Chivalry, "he was regarded as an obstacle in the way of special legislation that must be broken down, if malice and money could do it."⁴⁸

Election years intensified the tensions and created even deeper chasms between the diverging wings of the Democratic Party. The competition for political positions was volatile and hard-fought because whichever side won a majority of positions

would gain the right to distribute the valuable federal patronage, a vital tool for rewarding their loyal supporters and ensuring their future support. The majority was constantly changing hands between the factions, and almost every election brought a see-saw dynamic of power within the Democratic Party. During the 1854 election, Broderick, who was at that time the chair of the Democratic Party, chose to hold the Party convention at a small church in Sacramento. He filled the church with only Free Soil Democrats, and then sealed the entrances to exclude the Chivalry from taking part in the nomination process. During the proceedings, Terry led a group of armed Chivalry members to storm into the church and physically attack the conventioners.⁴⁹ In the midst of the fracas, candles were tipped over, and the church caught fire. The next day, the two factions held two separate conventions and produced two distinct lists of candidates. In the days that followed, both sides published pamphlets claiming to be the legitimate Democratic Party, and the animosity between the two sides intensified. Across California, the pattern of violence between both sides became increasingly common as supporters began throwing objects at each other at political meetings and starting bar brawls.⁵⁰

In the race to become U.S. Senator, the bitter competition between Broderick and Gwin was a culmination of the rivalry between the two factions as well as the personal rivalry between the two men. The position of U.S. Senator was the ultimate prize in state politics because the senator had the honor of distributing federal patronage. After skillfully moving the senate election up one year to 1854, Broderick did not have enough support to win the seat but still had enough to ensure that Gwin could not win either.⁵¹ Thus, the seat was vacant for two years, and in 1857, two seats were available, one with a six year term and the other with four years.⁵² During this time in America, national senators were elected by each state's Congress. Broderick, at the height of his political influence, moved to have the longer-term seat elected first and using bribery, alliances, and his loyal supporters, he was elected.⁵³ By being elected first, he had guaranteed that he would choose the other senator because his supporters would vote as he directed since he could reward them with his federal patronage.

Broderick told Gwin that he would ensure his election if Gwin would write a private letter giving Broderick control of Gwin's federal appointments and in addition, publically publish a self-degrading speech that Broderick had penned. Because Gwin was desperate, he was willing to humiliate himself and essentially become Broderick's puppet, if it meant that he could call himself a Senator of the United States.⁵⁴ In Gwin's victory speech, he insulted all of his Chivalry colleagues while affirming Broderick's political superiority and thanking him for his support: "...Although one time a rival, and recognizing in him [Broderick] even a fierce but manly opponent, I do not hesitate to acknowledge in this public manner his forgetfulness of all grounds of dissension and hostility, in what he considered a step necessary to allay the...discords which had distracted the Party and the State. To him, and to the attachment of his friends to him, I conceive...my election is due; and I feel bound to him and them in common efforts to unite and heal, where the result heretofore has been to break down and destroy."⁵⁵ With those words, Gwin had framed Broderick as a selfless hero who had repaired the rifts within the Democratic Party. From Gwin's perspective, the letter was also a public statement that he was indebted and "bound" to Broderick.

The developments of the 1857 election proved to be the breaking point between the Chivalry and Free Soil Democrats. Gwin's letter ensured that the division was well-recognized by the press and by the public. Sacramento's *State Journal* declared that Gwin and Broderick's simultaneous elections had unified the party and the letter indicated a genuine reconciliation between the two sides that had been facilitated by Gwin and Broderick's personal compassion.⁵⁶ Another paper gleefully published a mock political obituary of Gwin.⁵⁷ The only political certainty that arose from the backroom bargains of the election was humorously summarized by the *Daily Town Talk*: "If Broderick's thrall, Gwin, sticks to his sale, and Broderick uses the power he has thus grasped, the only thing left in the hands of the Chivalry is the Stockton Insane Asylum. They will need it for their own use."⁵⁸ Following the election of 1857, Broderick was the most powerful man in California and seemed poised to reward all of his followers with powerful

federal appointments that would further ensure his influence, but national events intruded.

Eight months after California's senatorial elections, the advent of Kansas's Lecompton Constitution exacerbated the national conflicts between the pro-slavery and Free Soil Democrats. A group of Southern slave holders had travelled into the town of Lecompton in Kansas territory and written a constitution, part of which stated, "...the right of property [and slave to owner] is before and higher than any constitutional sanction." It went on to state that slaves in Kansas could never be freed without permission from the owners, thus ensuring that Kansas would enter the Union as a slave state.⁵⁹ Kansas's local sectional issue became a focal point for national pro-slavery versus Free Soiler debates during the congressional session of 1857 because President Buchanan made support of the Lecompton Constitution a party test of loyalty.⁶⁰ Free Soil Democrats opposed the Constitution on principle and characterized it as a constitution that had been written by outsiders trying to manipulate the doctrine of popular sovereignty. The document's legitimacy was to be debated in the U.S. Senate, which was at that time dominated by pro-Slavery politicians.

In the Senate, the pro-Slavery Democrats had the upper hand because of their presidential backing, yet Broderick voiced his anti-Chivalry views anyway and thus gained many enemies. Politicians who openly spoke out against the Lecompton Constitution did not receive their due federal patronage nor did they receive positions on the senate committees. Consequently, very few Democrats were willing to publically disagree with the Chivalry's agenda.⁶¹ Unwilling to abandon his principles, Broderick clearly and vehemently stated his position on the Lecompton Constitution. He was especially unconcerned with pleasing the Chivalric National Democratic party leaders because during the course of the congressional session, Broderick had found that not only was Buchanan a personal friend of Gwin's, but Buchanan refused to empower Broderick to distribute California's federal patronage.⁶² Buchanan had also disregarded the written agreement between Broderick and Gwin and consulted with Gwin about the federal

appointments.⁶³ With additional disgust stemming from the matter of the federal appointments, in his most famous speech to the senate, Broderick criticized Buchanan's extortion of his political party into backing the constitution. Broderick said that it was incontestable that the constitution's authors were known frauds who were not from Kansas and that "four-fifths of the people of Kansas are opposed to the Lecompton constitution." After reiterating his position, he then closed his speech by calling President Buchanan a "trembling of an old man on the verge of the grave," who had "fading intellect."⁶⁴ Had Buchanan regarded Broderick as his social equal, a sitting U.S. President might have met a sitting U.S. Senator in a duel. Though no duel occurred, this specific speech of Broderick's was the final straw in the minds of the Chivalry. Through the legislative session, Broderick's fiery Senate speeches that damned the South, its leaders, and the institution of slavery marked him as an open enemy of the Chivalry.

At the end of the legislative session, though Broderick had convinced many intimidated Free Soilers to stand their ground, Buchanan did succeed in muscling through the Lecompton Constitution, and Broderick left Washington, D.C. as a marked man.⁶⁵ Broderick's outspoken denouncement of the Chivalry and its leaders on the Senate floor was quite shocking, and Broderick had incurred the personal hatred of every Chivalry Democrat in the United States. While waiting in a New York City tavern to board his ship home, Broderick encountered two young Southerners from Louisiana who tried to instigate a pistol duel with him. Broderick, who had been a bare-knuckle boxing champion in his younger years at Tammany Hall in New York City, beat the two young upstarts into unconsciousness with his cane and then proceeded on his journey.⁶⁶ This incident, though amusing, signified that Broderick now had a target on his back.

Broderick was no stranger to mortal challenges from Chivalry Democrats. In 1852, after verbally clashing with William Smith, the ex-governor of Alabama, over sectional issues in the state Congress, Smith's son, Caleb C. Smith, promptly challenged him to a pistol match to defend his father's honor.⁶⁷ During the

duel, Broderick was hit in the chest with a bullet, yet he survived as the bullet was lodged in his pocket watch. Afterwards, Broderick declared that, "I have been hunted by the Chivalry, but I have taught them on all occasions that I was not to be trifled with."⁶⁸ He also began regularly practicing his marksmanship in anticipation for future run-ins with the Chivalry.⁶⁹

Upon Broderick's return to the West Coast, he and his allies formally split with the Chivalry by founding the Anti-Lecompton party.⁷⁰ The Democratic Party had been unofficially ruptured since the party's convention of 1854, so the issue of the Lecompton Constitution simply reinforced the pre-existing division. The character of this division had changed and was now completely driven by sectional origins, whereas much of the prior split had been driven by personal opinions of Broderick and free labor.⁷¹ Because of Gwin's failure to honor his agreement with Broderick over state patronage, Broderick was at a great disadvantage as all of the new federal appointees as well as the office of governor and legislative majority belonged to the Chivalry.⁷² The Chivalry Democrats called their new political organization the Lecompton party. In keeping with the Lecompton proceedings, their platform discussed the right of popular sovereignty to choose if an area was "free" or "slave" but allowed for government intervention to permit slavery if popular opinion was not supportive.⁷³ Following their formal rift, both the Lecompton and Anti-Lecompton Democrats waited in high anticipation for the 1859 statewide elections whose results were to decide control of the state. If the Lecomptons won, as they had already stated in their platform with coded language, they would institute slavery in California under the guise of popular sovereignty. The campaign season for the elections of 1859 pitted the Lecomptons and the Anti-Lecomptons against each other in a vicious contest that revived old hostilities and erupted in mortal violence. Early in the campaign, Broderick's close friend and political ally, State Senator William Ferguson, was killed in a duel by Gwin's personal political aide, George Johnston.⁷⁴ Ferguson had recently denounced Buchanan's actions involving the Lecompton constitution, thus making him an enemy of the Chivalry.⁷⁵ More importantly, in 1857, Ferguson had witnessed the signing of the

secret letter that Broderick had forced Gwin to write, giving him all of the California federal patronage, which had never been made public.⁷⁶ While in a bar, Ferguson had made offhand remarks that he was in possession of the letter and planned to release it to the press in order to embarrass Gwin. A fight broke out between Ferguson and Johnston, and the next day, Johnston demanded satisfaction.⁷⁷ The morning after Ferguson's death, his desk was found to have been broken into and searched. Broderick's conclusion, which he then shared with the public, was that "William I. Ferguson was MURDERED IN COLD BLOOD by the advice of the immediate friends of Dr. Gwin."⁷⁸ This claim seemed likely as Johnston was not only Gwin's right-hand man in politics, but also was believed to be living off of Gwin's personal funds.⁷⁹ Johnston was an experienced Southern duelist, and there had been no cause for personal rancor.⁸⁰ Thus, Broderick believed that Gwin was trying to get the letter back in order to destroy it and the evidence of the backroom deal by which Broderick had humiliated him.

Fueled by residual bitterness and resurfacing of old political bargains as well as years of accumulated personal loathing, the public rhetoric between Broderick and Gwin became extremely heated. Broderick publicly revealed the details of the illicit political bargain of 1857, thereby damaging Gwin's reputation. He also announced to the public that Gwin had had Ferguson assassinated to avoid further public humiliation. Following that statement, Broderick had the "scarlet letter" in question published in papers across the state, thereby protecting himself and again shaming Gwin.⁸¹ This action triggered a storm of public insults between the two men, with most of the heated words they exchanged being delivered during their campaign stump speeches. Broderick ridiculed Gwin for claiming to support free labor in the state legislature while supporting slavery in the national legislature and said that "Gwin was dripping with corruption."⁸² Gwin fired back by calling Broderick a "cowardly liar."⁸³ Gwin made no secret of his willingness to duel with Broderick during one stump speech, in which he said that he was "willing to settle their private grieves in a private matter." Yet, at that time, there were many other Chivalry

members who wanted Broderick dead. In fact, the press speculated that the entire Lecompton party, including the governor, had made designs on Broderick's life.⁸⁴

In the midst of campaign season came an unexpected chain of events that would lead to a challenge from Justice David Terry. Terry attempted to run for re-election to the State Supreme Court at the Lecompton convention but did not receive the votes needed to be re-nominated. In order to prove his solidarity with the Lecompton Democrats, Terry returned to the convention stage after being rejected and delivered an unwarranted string of diatribes directed at the Anti-Lecomptons and Broderick.⁸⁵ He called the Anti-Lecomptons "a party based on no principle except the abusing of one Section of the country for the aggrandizement of another—a party which has no existence in fifteen States of the Confederacy—a party whose principles never can prevail among freemen who love justice and are willing to do justice."⁸⁶ Terry then characterized the Anti-Lecomptons as Broderick's "personal chattels" who were ruining California with their dishonesty. The insult that would most infuriate Broderick was that he and the rest of his party were all followers of Frederick Douglass, an African-American former slave, not Senator Stephen Douglas. Broderick had repeatedly publically opposed slavery, and one may conclude from Broderick's devotion to protecting the labor rights of all races throughout his career that Broderick was a man who believed in legal equality. However, even he was touched by the biases of his time, and to call him the personal follower of an African American deeply offended him. Terry once said in a personal letter to the San Francisco committee of public safety, "I believe no man has a right to outrage the feelings of another, or attempt to blast his good name without being responsible for his actions."⁸⁷ So, it can be assumed that Terry was aware of the egregious slew of derogatory insults he had just delivered and of how offensive Broderick would find them. Terry intended to take responsibility for his words—by inciting a duel of honor with Broderick, the Lecompton party's number one enemy, and in so doing earn a place in the party.

Broderick realized that Terry had calculated, political objectives for provoking a duel, and recognized that Terry was one of many Southerners trying to engage him in such a conflict, but because of Terry's prominent judicial position and their prior personal dealings, he was obliged to accept the challenge. Broderick read Terry's speech on the front page of *The Sacramento Union* the day after the Lecompton convention and reacted violently.⁸⁸ In 1856, Broderick had repeatedly paid off several San Francisco newspapers to give Terry a good name after he had been detained by a group of vigilantes.⁸⁹ Upon reading the speech, Broderick said publically, "I considered him the only honest man on the supreme bench, but now I take it all back."⁹⁰ Mr. D. W. Perley, a good friend and the law partner of Terry, who was present at the time, overheard Broderick's remarks and soon afterwards sent him a challenge to a duel to defend his friend's honor. Broderick responded that he was busy campaigning across the state and that Perley was his social and political inferior. Furthermore, Broderick responded, "...If I were to accept your challenge, there are probably many other gentlemen who would seek similar opportunities for hostile meetings, for the purpose of accomplishing a political object, or to obtain public notoriety. I cannot afford at the present time to descend to a violation of the Constitution and the State laws to subserve either their or your purposes."⁹¹ Broderick could see no reason to dignify Perley's aggressive request for a duel, and publically stated that, "He was put forward by designing men, who desired to get rid of me. The prompting parties themselves had no desire to engage in the affair, so they sent this little wretch to insult me, and, if possible, to involve me in a difficulty."⁹² Broderick could see that the Lecomptons aimed to eliminate him and that Perley was one of their many henchmen. Terry had not succeeded in provoking a duel with his egregious speech, so he challenged Broderick directly on the grounds that Broderick had maligned his character. Because Broderick felt personally slighted by Terry and regarded him as a political equal, responsible for his words, he accepted the challenge and arranged for a pistol match after the election.

A duel between the two leaders of the Chivalry and the Free Soilers, Gwin and Broderick, never occurred because Gwin would not risk his life and had the foresight to imagine that even if Broderick were killed, he might become a hero and the Chivalry would not be rid of his influence. The two senators' longstanding rivalry and public political attacks on each other through the 1859 campaign had created a spirit of anticipation for a duel between the two, but Gwin was afraid that if they were to duel, his own death would be assured because he was a notoriously poor shot whereas Broderick had become infamously skilled with a pistol since his first duel with the Chivalry.⁹³ Gwin, who was aware of the incident with Perley, criticized Broderick for not taking responsibility for his insults to Perley's character. Gwin said, "What can you do with such an individual? If we club him, it will do no good; if we kill him it will only make him a martyr."⁹⁴ That statement, interestingly enough, shows Gwin's eerie prescience that if Broderick were eliminated, he would become a martyr, which would harm the Chivalry's cause. Broderick responded by denouncing Gwin for never delivering on his threat to settle their rivalry. In a speech of his own, Broderick said, "...I have always been responsible for what I said, in the Senate chamber and out of it... If I have insulted Dr. Gwin sufficient enough to induce him to go about the State and make a blackguard of himself, he should seek the remedy left to every gentleman who feels offended." When this speech was published across the state, *The Daily Alta California's* headline read, "Broderick Invites Gwin to Challenge Him."⁹⁵ This challenge was to remain unanswered.

The election of 1859 was to be the political battle of the decade and its results were to decide whether the political future of California would be Free or Slave. By September 11, 1859, all of the results were in, and across the state, the Lecomptons had won by a margin of 20,000 votes and had gained the major positions of power including Governor, Lieutenant Governor, Controller, Treasurer, and Attorney General.⁹⁶ The Anti-Lecomptons barely won control of two counties, compared to the 11 counties they had won the year before.⁹⁷ It was official: the Anti-Lecomptons had been pushed out by the Lecomptons' sweeping victory. The Lecomptons

had successfully utilized the full force of their federal appointees to promote their candidates whereas the Anti-Lecomptons were a new party that had splintered during the campaign and in the last months tried to consolidate support with the unseasoned Republican Party.⁹⁸ Moreover, many Free Soil Democrats had stuck with the Lecomptons as they still were the official Democratic Party of California. The majority of Californians did not support slavery, yet for the reasons stated above, Broderick and the Free Soilers were utterly defeated by the Chivalry.

Broderick's duel with Terry was his personal resolution to a long period of harassment from the Chivalry following his and his party's definitive loss. Broderick was tired of being hunted, and it is likely that he still harbored deep resentment for the political death of his friend Ferguson. He could have abstained from the duel on moral and legal grounds, but, he would have lost the respect of his peers, and it can be conjectured that he wanted to beat the Southerners on their own terms.⁹⁹ Terry resigned from his post as Chief Justice to duel with Broderick, though it should be noted that his term was due to expire in two months anyway.¹⁰⁰ In the days leading up to the duel, many newspapers published the correspondence that had passed between Terry, Broderick, and their respective seconds; then, like a sporting event, the press printed the details of the duel. Due to overwhelming public interest, the duel was postponed and moved to a more secluded location. Nevertheless, a prying reporter found Broderick's hide-out the night before the match and implored him to back down. Broderick's close friend said to the newsman, "You are too late. The fight has got to come, and this is the best time for it...These 'Chivs' have got to learn that there is one man they can't back down."¹⁰¹ The next morning on September 13, 1859, Broderick and Terry entered the field of honor, as it was called by Southern tradition, and Broderick was fatally wounded, dying three days later.

As Gwin had predicted, Broderick's death transformed him into a martyr who had been slaughtered by the calculating Lecomptons. The headline of *The Alta California* read, "The lion

hunt is over. The jackals that long hung howling upon his tread are at rest after their feast of blood, while in the cold majesty of death sleeps the great victim of their murderous deed."¹⁰² Broderick's death was also sensationalized as front page news across the nation.¹⁰³ *The New York Times* reprinted the Terry-Broderick correspondence and other Free Soil politicians across America steeled themselves for fear of Southern assassinations disguised as duels.¹⁰⁴ *The Philadelphia Press* accused President Buchanan of having been directly involved in the conspiracy on the California Senator's life, and Buchanan angrily threatened to sue the editor of *The Philadelphia Press* for slander.¹⁰⁵ Many other newspapers from the Northern states also claimed that Buchanan's administration was behind Broderick's death, while Southern newspapers insisted that the duel had been a personal matter.¹⁰⁶ Though many of the Southern, pro-Slavery sympathizers wanted to believe that Broderick had simply been killed haphazardly in a personal affair, the overwhelming majority of America was certain that Broderick had been the victim of a calculated murder orchestrated by the Chivalry.

The cloud of accusations and suspicions surrounding the Chivalry was amplified by a commonly held belief that Terry had cheated to win the duel. The strongest evidence that there had been foul play was that Terry had won a coin toss that enabled him to choose from the pistols that he had provided first, and the gun that Broderick was given had a much lighter hair trigger than Terry's.¹⁰⁷ Thus, it was believed that Broderick's gun had gone off before he was prepared or had the opportunity to fix his aim, whereas Terry had complete control over his shot. It was obvious that there was something amiss with the pistols because Broderick's shot had landed in the dirt, about 40 feet from Terry, and Broderick was known to be able to hit a dime at the same distance.¹⁰⁸ After the duel, it was also found that Terry had been practicing in preparation months beforehand with the pistols to have an advantage with the weapons since hair trigger guns were not typically used in San Francisco duels.¹⁰⁹ In the minds of the public, these discoveries proved that Terry had no honor and had rigged the duel to ensure Broderick's death.

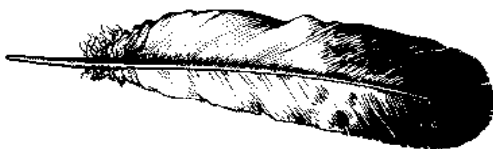
In California, the public's opinion was completely transformed. The Lecompton party's image was ruined, as they were increasingly seen as a scheming group of assassins.¹¹⁰ One letter to the editor in the *Alta California* proclaimed that, "...[Broderick] stood alone. Against the whole, the entire clique of Southern demagogues and ruffians like his would-be murderer [Terry]." ¹¹¹ It had become clear that Broderick had been the target of political assassination, and the press insisted that Terry's challenge had been unfounded since Broderick's foul language had simply been in reaction to Terry's much more offensive words. To some degree, the Lecomptons were a party of conspiratorial murderers. There had been at least six other political duels during the recent years in which Southerners had instigated the duel, then shot their opponents who had opposing viewpoints.¹¹² Their victims had notably included a California state senator as well as the editor in chief of a leading pro-Broderick newspaper; yet, it had taken the death of a formidable United States Senator for the public to take notice of the Chivalry's bloody political tactics.

In the state-wide elections of 1859, the Chivalry had effectively consolidated their power by winning a sweeping, almost unanimous victory; however, Broderick's assassination utterly altered the political climate of California. Since the Constitutional Convention of 1849, the Chivalry had tried to create legal loopholes to reverse the California's legal status as a Free State, and many of their maneuvers and measures had been effectively blocked by Broderick and his Free Soiler allies. But, Broderick and his allies had been shut out of California's Democratic Party by the time of the 1859 elections and forced to found a new party. For that reason, the 1859 elections were a final face-off, which the Free Soilers had lost. At that point, because the Lecomptons controlled both the majority and all of the key legislative positions, they would have had free rein to pass any laws they wished in order to further their pro-Slavery agenda as well as pass another popular sovereignty resolution as had been written in their campaign platform. The Lecompton governor, John B. Weller, publically stated his intention to declare California a republic, should a civil war erupt between the North and South.¹¹³ From his life-long support of slavery, ru-

mors swirled around the state that Weller was planning to make California a separate country in which slavery was legal.¹¹⁴ The logic behind this rumor was not unfounded. Weller tried to disassociate himself with the Lecomptons to further his political career, but found that his political mandate had evaporated; he resigned on January 9, 1860, a mere six months after election.¹¹⁵ The public support for the other Lecomptons also decreased greatly, and by the time of the Presidential Election of 1860, about a year after Broderick's death, California voters chose the Republican candidate, Abraham Lincoln. This would have been unfathomable the year before as the openly anti-slavery Republican Party had hardly had any political influence in California.¹¹⁶ The Chivalry refused to publically comment on Broderick's death and vehemently denied the sectional nature of the politics behind the duel.¹¹⁷ When Gwin and the Chivalry member chosen to replace Broderick in the Senate left for the Capitol, a crowd came to see them off to their ship. They held signs that read, "...may the murderers of David C. Broderick never return to California."¹¹⁸ Upon the Senators' arrival in Congress, they tried to underplay Broderick's death as an unfortunate accident. However, they unknowingly prompted many speeches from their fellow representatives praising Broderick as a true American hero. Upon their return to California, several Chivalry members resigned or failed to be re-elected, and many Free Soil politicians regained positions of power. Terry was tried for murder and was not convicted; the not guilty verdict was called a "disgrace to the State, and libel on the fair fame of the American courts of justice."¹¹⁹ He was marked as a pariah and forced to move out of California.¹²⁰ He eventually served in the Confederate army attaining the rank of brigadier general by the end of the war.¹²¹ He would never again be allowed to hold a public office in California.¹²²

"A Senator lies dead in our midst!...His death was a political necessity poorly veiled beneath the guise of a private quarrel."¹²³ These words, from the eulogy given by Broderick's close friend, Edward Baker, were spoken to the largest group of citizens ever gathered in California up to that time, at Portsmouth Square in San Francisco's Chinatown, on September 18, 1859.¹²⁴ The only

United States senator to be killed in a duel, David C. Broderick was eulogized as a champion of freedom and justice. In death, he had accomplished what he had been unable to do while alive: destroy the credibility of the Chivalry and reveal their true agenda to the masses of California. The results of the Broderick-Terry duel helped ensure that the Chivalry would be unsuccessful in their attempt to expand slavery to California and thus cemented California's loyalty to the Union. The duel and Broderick's death profoundly affected California and the nation. In a gesture that symbolized how important Broderick's life and death were to the fight against the expansion of slavery, Broderick's cane was given to President Abraham Lincoln three days before he delivered the Gettysburg Address.¹²⁵



Notes

- ¹ Arthur Quinn, The Rivals: William Gwin, David Broderick, and the Birth of California (New York: Crown Publishers, Inc., 1994) p. 267
- ² *Ibid.*, p. 267; Jeremiah Lynch, The Life of David C. Broderick: A Senator of the Fifties (San Francisco: The Stanley-Taylor Company, 1910) p. 213
- ³ Quinn, pp. 266–267
- ⁴ “Obsequies of D.C. Broderick,” Sacramento Daily Union (September 19, 1859)
- ⁵ Robert Baldick, The Duel: a History of Duelling (New York: Barnes and Noble, 1956) p. 115; Bertram Wyatt-Brown, Honor and Violence in the Old South (New York: Oxford University Press, 1986) pp. 144–145
- ⁶ Wyatt-Brown, p. 142
- ⁷ Baldick, p. 117
- ⁸ *Ibid.*, p. 134; Quinn, p. 70
- ⁹ Alexander E. Wagstaff, Life of David S. Terry: Presenting an Authentic, Impartial and Vivid History of His Eventful Life and Tragic Death (San Francisco: Continental Publishing Company, 1892) p. 176
- ¹⁰ Lynch, p. 175; David A. Williams, David C. Broderick: A Political Portrait (Kingsport, Tennessee: Kingsport Press, Inc., 1969) pp. 3–7
- ¹¹ Williams, p. 4
- ¹² *Ibid.*, p. 68
- ¹³ “Hon. Mr. Broderick and The Water Lot Question,” Daily Alta California (April 5, 1852)
- ¹⁴ “The Union Party,” Daily Alta California (August 11, 1855) morning edition
- ¹⁵ *Ibid.*
- ¹⁶ Lynch, pp. 200–201, 227
- ¹⁷ “Transcript of Missouri Compromise (1820),” Our Documents Initiative, <http://www.ourdocuments.gov/doc.php?flash=true&doc=22&page=transcript> (accessed October 2, 2012)
- ¹⁸ Leonard L. Richards, The California Gold Rush and the Coming of the Civil War (New York: Alfred A. Knopf, 2007) p. 8
- ¹⁹ Harvard University Library Open Collections Program, “California Gold Rush, 1848–1858,” Immigration to the United States, 1789–1930, <http://ocp.hul.harvard.edu/immigration/goldrush.html> (October 2, 2012); Daily Alta California in The

Maritime Heritage Project, “100,000 people in California by November 1849,” News from the Port of San Francisco, <http://www.maritimeheritage.org/news/californiaPopulation.html> (accessed October 2, 2012); Richards, p. 20

²⁰ Richards, p. 37; Eric H. Walther, The Shattering of the Union: America in the 1850s (Wilmington: Rowman & Littlefield, 2004) p. 13

²¹ Josiah Royce, California, from the Conquest of 1846 to the Second Vigilance Committee in San Francisco [1856]: a Study of American Character (New York: Alfred A. Knopf, 1948) p. 205

²² *Ibid.*, pp. 207, 210

²³ Quinn, pp. 69–70

²⁴ Royce, p. 206

²⁵ Lynch, p. 27

²⁶ “Transcript of Missouri Compromise (1820),” (accessed October 2, 2012) see Resolve 1

²⁷ Walther, p. 27

²⁸ *Ibid.*, p. 27

²⁹ “Tammany and Chivalry,” Daily Alta California (December 2, 1853)

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ Royce, p. 207

³⁴ Quinn, pp. 12–13, 61

³⁵ “Speech of D.C. Broderick—At Weaverville, Trinity County, on Thursday Evening, July 28,” Sacramento Daily Union (August 3, 1859)

³⁶ Quinn, p. 70; Lynch, p. 189

³⁷ Richards, p. 62

³⁸ “Slavery in California—Prospect of Its Establishment,” New York Daily Times (May 31, 1854)

³⁹ Walther, p. 13

⁴⁰ Richards, pp. 67–68

⁴¹ Williams, pp. 33–34

⁴² *Ibid.*, p. 35

⁴³ “Legislative Intelligence,” Daily Alta California (March 6, 1852)

⁴⁴ Williams, p. 36

⁴⁵ Quinn, p. 136

⁴⁶ Williams, p. 47

⁴⁷ *Ibid.*, pp. 37–40

⁴⁸ “Semi-Monthly Summary,” Daily Alta California (March 1, 1854) morning edition

⁴⁹ Royce D. Delmatier, Clarence F. McIntosh, and Earl G. Waters, The Rumble of California Politics, 1848–1970 (New York: John Wiley & Sons, 1970) p. 17; Quinn, pp. 155–158; Lynch, pp. 82–84

⁵⁰ Williams, p. 96

⁵¹ James O’Meara, Broderick and Gwin: The Most Extraordinary Contest for A Seat in the Senate of the United States Ever Known; A Brief History of Early Politics in California (San Francisco: James H. Barry Publisher, 1887) pp. 47, 106

⁵² Williams, p. 149

⁵³ O’Meara, pp. 155–158, 161

⁵⁴ Williams, pp. 152–153

⁵⁵ Lynch, pp. 154–155

⁵⁶ O’Meara, pp. 191–192

⁵⁷ Williams, p. 154

⁵⁸ *Ibid.* p. 154

⁵⁹ Lecompton Constitution (Article VII—Slavery) in Daniel W. Wilder, Annals of Kansas (1868) p. 183

⁶⁰ Williams, pp. 170, 174

⁶¹ *Ibid.*, p. 174

⁶² *Ibid.*, pp. 232–233

⁶³ O’Meara, pp. 229–230

⁶⁴ Lynch, p. 176

⁶⁵ Williams, p. 181

⁶⁶ Lynch, p. 192

⁶⁷ *Ibid.*, p. 54

⁶⁸ Williams, p. 69

⁶⁹ Quinn, p. 128

⁷⁰ Williams, p. 189

⁷¹ “The Senators Elect,” Sacramento Daily Union (January 15, 1857)

⁷² “A Political Conspiracy,” Sacramento Daily Union (August 6, 1859); Williams, p. 203

⁷³ “The Lecompton Platform,” Sacramento Daily Union (June 27, 1859)

⁷⁴ Williams, p. 222

⁷⁵ Lynch, p. 183

⁷⁶ Hubert Howe Bancroft et al., History of California (San Francisco: The History Company, 1888) p. 729

⁷⁷ Oscar Tully Shuck, History of the Bench and Bar of California: Being Biographies of Many Remarkable Men, a Store of Humorous and Pathetic Recollections, Accounts of Important Legislation and Extraordinary Cases, Comprehending the Judicial History of the State (Los Angeles: Commercial Printing House, 1901) p. 242

⁷⁸ “Speech of D. C. Broderick—At Weaverville, Trinity County, on Thursday Evening, July 28,” Sacramento Daily Union (August 3, 1859)

⁷⁹ “Speech of D.C. Broderick—At San Jose, August 23d,” Sacramento Daily Union (August 26, 1859)

⁸⁰ Shuck, p. 241

⁸¹ Lynch, p. 196

⁸² *Ibid.*, p. 189; O’Meara, p. 218

⁸³ Lynch, p. 197

⁸⁴ “A Political Conspiracy,” Sacramento Daily Union (August 6, 1859)

⁸⁵ Lynch, p. 201

⁸⁶ Shuck, pp. 256–257

⁸⁷ Lynch, p. 202

⁸⁸ Shuck, p. 256

⁸⁹ Quinn, p. 256

⁹⁰ “The Broderick and Terry Duel,” New York Times (October 14, 1859)

⁹¹ O’Meara, p. 248

⁹² “Speech of D.C. Broderick—At Weaverville, Trinity County, on Thursday Evening, July 28”

⁹³ Wagstaff, p. 180

⁹⁴ “Senator Gwin at Shasta—Remarkable Language—Gwin and Scott Meet with an Accident,” Sacramento Daily Union (July 28, 1859)

⁹⁵ Quinn, p. 260

⁹⁶ Williams, p. 225; Alex Vassar & Shane Meyers, “JoinCalifornia—09–07–1859 Election,” JoinCalifornia: Election History for the State of California, <http://www.joincalifornia.com/election/1859-09-07> (accessed November 27, 2011); “Senator Gwin at Shasta—Remarkable Language—Gwin and Scott Meet with an Accident”

⁹⁷ Williams, p. 225

⁹⁸ *Ibid.*, pp. 225, 211, 224–226

⁹⁹ Bancroft et al., p. 731

¹⁰⁰ Ibid., p. 731; Albert Russell Buchanan, David S. Terry of California, Dueling Judge (San Marino, California: Huntington Library, 1956) p. 98

¹⁰¹ O'Meara, p. 241

¹⁰² "Senator Broderick Is Dead," Daily Alta California (September 17, 1859)

¹⁰³ Williams, p. 242

¹⁰⁴ "The Broderick and Terry Duel," New York Times (October 14, 1859); Williams, p. 249

¹⁰⁵ "The Atlantic News in Detail," Sacramento Daily Union (November 9, 1859)

¹⁰⁶ Ibid.

¹⁰⁷ Williams, p. 243

¹⁰⁸ O'Meara, p. 235; "The Broderick and Terry Duel"

¹⁰⁹ Lynch, pp. 214–216

¹¹⁰ "From Monterey (Letter to the Editors)," Daily Alta California (September 24, 1859)

¹¹¹ "The Terry Duel," Daily Alta California (September 15, 1859)

¹¹² Bancroft et al., p. 730

¹¹³ Howard Brett Melendy and Benjamin Franklin Gilbert, The Governors of California: Peter H Burnett to Edmund G. Brown (Georgetown, California: Talisman Press, 1965) p. 88

¹¹⁴ Ibid., p. 88

¹¹⁵ "The Senatorial Question," Sacramento Daily Union (September 29, 1859) Volume 18, Number 2654 edition; Melendy and Gilbert, p. 87

¹¹⁶ Williams, p. 254

¹¹⁷ "The Golden Age of Chivalry," Sacramento Daily Union (October 4, 1859)

¹¹⁸ Wagstaff, p. 230

¹¹⁹ "Acquittal of Judge Terry," Sacramento Daily Union (July 9, 1860)

¹²⁰ Wagstaff, p. 136

¹²¹ Buchanan, p. 136

¹²² "The California Republican Elector," New York Times (November 17, 1880)

¹²³ "Obsequies of D.C. Broderick," Sacramento Daily Union (September 19, 1859)

¹²⁴ O'Meara, p. 282; Williams, p. 245

¹²⁵ Williams, p. 253

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The Disuniting of America: Reflections on a Multicultural Society

New York: W.W. Norton, 1998 (Revised Edition) pp. 178-179

Reinhold Niebuhr, *The Irony of American History* (1952). The most influential American theologian of the century. Niebuhr approached American history from a neo-orthodox religious perspective—that is, from a tempered, non-fundamental belief in original sin (defined as the self-pride that mistakes the relative for the absolute), in the ambiguities of human nature, in divine judgment on human pretensions, and in the incompleteness of life within history. It is necessary, he wrote in this book, to understand “the limits of all human striving, the fragmentariness of all human wisdom, the precariousness of all historic configurations of power, and the mixture of good and evil in all human virtue.”

Like William James, Niebuhr was a relativist and a pluralist who scorned monists and absolutists. Like Lincoln, he was especially critical of those whose vainglory leads them to suppose they grasp the purposes of the Almighty. By irony Niebuhr meant the situation that arises when the consequences of an action are contrary to the intentions of the actors because of weaknesses inherent in the actors themselves. This concept informed his reading of American history. Americans, Niebuhr felt, are too much inclined to believe in their own innocence and righteousness and too reluctant to recognize the self-regard in their own souls. He deplored the national inability “to comprehend the depth of evil to which individuals and communities may sink, particularly when they try to play the role of God to history.”

Niebuhr’s interpretation of the American past is wise and chastening, and it is deep in the American tradition. His conception of democracy is akin to that of the men who made the *Constitution*. “Man’s capacity for justice makes democracy possible,” he wrote in *The Children of Light and the Children of Darkness*; “but man’s inclination to injustice makes democracy necessary.”