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Article Summary: Defeated in 1864 as a candidate for the office of territorial delegate to Congress, Dr George L. Miller decided to found the *Omaha Herald* as a platform for his views. The mortality rate of newspapers in that era was high, but the *Herald* achieved immediate success.

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Photographs / Images: George L Miller about 1970

GEORGE L. MILLER AND THE STRUGGLE OVER NEBRASKA STATEHOOD

BY WALLACE BROWN

IN the fall of 1864, George L. Miller, after a heated campaign characterized by the howl of mobs and the click of pistols, was defeated for the important office of territorial delegate to Congress by P. W. Hitchcock, the Union, or more accurately Republican, candidate. From a majority in the 1850's, the Democrats of Nebraska had become an almost permanent minority through the demoralization of the war and the influx of Union soldiers. This meant the political wilderness for ambitious Democrats like Miller and J. Sterling Morton. After the election Miller wrote, truthfully enough, to his old friend that "I intend in any case to stand by the old colors through all trials."¹ It is not surprising however, that about a year after his defeat he founded the *Omaha Herald*.

¹ Miller to Morton, October 30, 1864. All letters quoted are from the *Morton Collection* in the Nebraska State Historical Society, Lincoln, Nebraska.

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Journalism offered more of a future and a better chance of political influence. Nevertheless, the founding of the *Herald* was a fairly bold enterprise. Although he was a doctor of medicine, Miller's educational background was thin, and his literary style was, at first, "fluffy" as he himself admitted.² Further, anyone familiar with the history of journalism in early Nebraska will recall that the mortality rate of newspapers was high. As an avowed Democratic organ the *Herald* would have to live down Republican prejudice. Miller himself was apprehensive. He wrote to Morton announcing this new turn in his affairs:

The first issue will astonish the world in about two weeks, Providence being kind. We have named it "*Omaha Daily and Weekly Herald*." Can you furnish a better name? You may think this is a queer work, and it is. But we had no paper, and could get none, the way things were moving, and all seemed to wish me to take hold of it. I shall probably let go more promptly than I took hold. When at St. Jo., I wrote successfully for the *Gazette* but doubt whether I can succeed at home. That "prophet" not being without honor, etc., applies here and particularly to my case.³

There were, however, several factors in Miller's favor. The business side of the *Herald* was handled by D. W. Carpenter, who had had experience with the Council Bluffs' *Bugle*. Carpenter, an able businessman, was followed in 1868 by Lyman Richardson who proved to be a worthy successor. It was lucky for Miller that the Democrats of Nebraska lacked a satisfactory organ at this time. The only Democratic paper was the moribund, or, as Miller called it, "tuberculous" *Nebraskian*,⁴ which had proved itself inept during the delegate campaign.

The *Herald* began with fifty-three actual subscribers, and the office equipment consisted of a small hand press and a few cases of type.⁵ Miller recalled that for the first

² J. Sterling Morton and Albert Watkins, *Illustrated History of Nebraska* (Lincoln, 1907), II, 720. Miller contributed his own short autobiography to this work.

³ Miller to Morton, September 3, 1865.

⁴ George L. Miller, "Newspapers and Newspapermen of the Territorial Period," *Proceedings and Collections of the Nebraska State Historical Society*, Second Series, V, 45.

⁵ Morton and Watkins, *op. cit.*, II, 357.

few days Carpenter "kept the books on slips of paper in a side pocket of his coat, which sometimes did duty as a cash drawer with very little cash to cause him anxiety."⁶ But the *Herald* soon proved a success. In May, 1866, seven months after its founding, the paper was enlarged and it had the biggest circulation of any daily "published west of the Mississippi River north of St. Joseph."⁷ A letter at Christmas, 1866, informed Morton that "over nine thousand dollars are owed today."⁸ By 1882 it was claimed that the paper was worth one hundred and twenty-five thousand dollars.⁹ Apart from its commercial success, it was soon generally recognized that the paper had a national reputation.

The *Herald's* immediate success came because Miller was a fine editor and by the standards of the times produced a very good paper; and Omaha took to it because of the excellent *local* news coverage, in the exploiting of which Miller was something of a pioneer. A poetic plea in an early edition had clearly been answered.

Heed then our invocation, learned muse.
Enrich our columns with some local news.¹⁰

However, Miller's primary interest remained politics, and the most important political question facing the new paper and its editor was undoubtedly the question of statehood.

The first attempt to end Nebraska's territorial status had been made in 1859. William H. Broadhead introduced a bill, to frame a state constitution, into the House of Representatives, December 8, 1859.¹¹ The bill passed both houses but was defeated by popular vote the following March. Unlike the later attempts at statehood it was not

⁶ Miller, "Newspapers and Newspapermen," *loc. cit.*, p. 45.

⁷ *Omaha Herald*, May 4, 1866.

⁸ Miller to Morton, Christmas, 1866.

⁹ A. T. Andreas, *History of the State of Nebraska* (Chicago, 1882), p. 72.

¹⁰ *Omaha Herald*, November 10, 1865.

¹¹ *House Journal of the Legislative Assembly of the Territory of Nebraska*, Sixth Session, 1859-60, p. 45. Hereafter designated as *House Journal* with date of session.

made a party question. Both parties favored the measure. Opposition came chiefly from North Platte representatives who feared the power the more populous South Platte area would gain in the event of statehood.¹² The South Platte region had abandoned schemes like the annexation to Kansas in favor of statehood as a means to power. Miller voted for the statehood bill.¹³

The issue was not revived until January, 1864, when both parties supported a memorial to Congress to facilitate statehood. An enabling act was passed with ease on April 19, 1864, because the Republicans in Congress felt that Nebraska would prove to be a safe state for their party. A convention was elected in June, but when the delegates assembled in July the majority were opposed to statehood, and the convention therefore took no action, adjourning *sine die* by a vote of 35 to 7.¹⁴

Miller is generally held to have been the leader of the anti-statehood forces in Omaha,¹⁵ but there is no evidence of his playing any active role—he was still sutler at Fort Kearny. He was certainly not at the Democratic convention in June.¹⁶

It is notable that all the counties north of the Platte, except Douglas County, voted for statehood, while with one exception, the South Platte counties were opposed.¹⁷ Omaha apparently was not prepared to risk the capital removal which Nebraska's admission to the Union would probably involve.¹⁸ The Republicans were obviously strongly in favor

¹² See Albert Watkins, "How Nebraska was brought into the Union," *Publications of the Nebraska State Historical Society*, XVIII, 375-434.

¹³ *Council Journal of the Legislative Assembly of the Territory of Nebraska*, Sixth Session, 1859-60, p. 71. Hereafter designated as *Council Journal* with date of session.

¹⁴ *Nebraska Republican*, (Omaha) July 8, 1864.

¹⁵ A. D. Sheldon, *Nebraska, The Land and the People* (Chicago, 1931), I, 328, and Morton and Watkins, *op. cit.*, I, 483.

¹⁶ *Omaha Nebraskian*, June 3, 1864. It may be that Sheldon, and Morton and Watkins mistake Miller for his father Lorin Miller who did play a part.

¹⁷ Morton and Watkins, *op. cit.*, I, 482.

¹⁸ *Ibid.*

of statehood,¹⁹ and the Democrats in the legislature had agreed. But the vote suggests that Miller and Morton more accurately represented Democratic opinion by dissenting than did the Democrats in the House and in the Council. The chief argument against statehood was the increased taxation which would be the result when federal contributions to the cost of government would be withdrawn. The Democratic *Nebraskian* was against it on two counts—it would elect Lincoln for a second term, and it would require sixty thousand dollars a year to pay for state government.²⁰ In short, statehood would “inevitably bring bankruptcy and financial ruin.”²¹ The fear of cost seems to have been a decisive argument.

But the issue was not shelved as in 1860. In his message to the eleventh legislature, January 9, 1866, Governor Saunders called attention to the advantages of early statehood.²² He pointed out that Nevada with a smaller population than Nebraska had entered the Union. He did not think the cost of government would increase much, indeed the sale of land would more than pay for it. Finally, he hinted that the legislature itself might draw up a constitution and submit it to the people.

The Democratic opposition was now even less united than it was in 1864. It must be remembered that neither party was against statehood *per se*. All American territories looked forward to eventually becoming states. The art lay in timing this happy consummation in order to get the maximum profit. Thus the Republicans were generally in favor of the measure because Nebraska was expected to go Republican, and party members would reap the benefits of federal patronage. By the summer of 1865 Miller was not necessarily opposed to statehood. In July, 1865, he wrote (revealing how, for him, the future of Omaha came, in many ways before all else) that if Omaha could secure

¹⁹ See the editorials in the *Nebraska Republican* (Omaha) for that period.

²⁰ *Omaha Nebraskian*, May 27, 1864.

²¹ *Ibid.*, June 3, 1864.

²² *Council Journal*, 1866, pp. 31-33.

the services of two senators and a representative to make sure of the railroad line for the city he "would be for state *certain*."²³ Omaha's position as a railroad center was still not secure, and Miller further illustrated his primary interest in the city of his choice when he wrote a month later,

I would be in favor of it [ie. statehood] if, by being so, I thought I could in any way aid the interests of Omaha, which are undoubtedly menaced by the acrobatic gyrations of the Union R. R. Co. I would be so because it would be a question of money, not merely to me, but to a large portion of the people of Douglas County.²⁴

The Republicans continued their campaign. Miller commented, "As to State the Republicans are almost insane on the subject. They are willing to do almost anything to get democratic cooperation."²⁵ The "Blacks," he continued, "betray considerable confidence in being able to carry 'state.' They will undoubtedly try it on." This they soon did as evidenced by Saunders' January message.

The eleventh legislature was generally favorable to the Democrats who had a majority in the House of Representatives. Chiefly because of the pressure of J. Sterling Morton, the party had fought an anti-state campaign in the territorial elections,²⁶ but many agreed with Miller's more cautious attitude on statehood, and many of the elected Democrats favored immediate action.

Morton, however, remained adamant, and by the beginning of 1866 Miller had hardened his own position, to one of complete opposition. In February, 1866, he welcomed the news from Morton that Otoe County was against statehood, and felt that Douglas County was likewise opposed.²⁷ The reason for this change of attitude cannot exactly be determined. Miller was clearly not sure of himself, and doubtless the influence of his greatest friend, Morton, affected him considerably. The *Herald*, which began publication in October, 1865, was kept anti-state.

²³ Miller to Morton, July 12, 1865.

²⁴ *Ibid.*, August 10, 1865.

²⁵ *Ibid.*, August 29, 1865.

²⁶ James C. Olson, *J. Sterling Morton* (Lincoln, 1942), p. 137.

²⁷ Miller to Morton, February 18, 1866.

But the same letter which informed Morton of the founding of the *Herald* stated very frankly, "I wish you to understand that I shall be for 'state' whenever I think it is clear that we can elect two Democrats to the Senate."²⁸ This underlines the political nature of the argument, and the absence of any real principle other than expediency.

The Democrats were not united, and in spite of Miller's and Morton's opposition outside the legislature and the opposition of Benjamin E. B. Kennedy and Charles H. Brown in the Council and House respectively, a joint resolution submitting a constitution to the people was passed in the House January 29, 1866, and in the Council February 5, 1866.²⁹ The voting was not on strictly party lines; the old North Platte-South Platte rivalry seems to have partially reasserted itself.³⁰

The resolution provided that a constitution was to be drawn up by a committee, passed by the legislature, and then put before the people. This would avoid the inexpedient convention procedure of 1860 and 1864. The election was set for June 2, and state officers and a legislature were to be elected at the same time. The way the constitution had been drawn up was most extraordinary.³¹ The members of the constitution making committee are not definitely known as they worked in secret. The drafted constitution was introduced into the Council on February 5, by J. R. Porter, "the only Democrat of prominence in the legislature favoring statehood."³²

The same day the bill was referred to a committee of three, including Porter, who reported back favorably in the afternoon, and the Council passed it with the President casting the deciding ballot. On February 8, the House

²⁸ *Ibid.*, September 3, 1865.

²⁹ *House Journal*, 1866, p. 92, and *Council Journal*, 1866, p. 138.

³⁰ See Watkins, "How Nebraska was brought into the Union," *loc. cit.*

³¹ See James C. Olson, *History of Nebraska* (Lincoln, 1955), p. 129.

³² *Ibid.*, p. 130.

passed the bill,³³ and the next day the governor signed it. Few members of the legislature can have known what they voted for—the constitution had not been printed and no amendments had been allowed.

As would be expected the *Herald* did not stand by idly. On February 2, 1866, Miller, not altogether honestly, announced that in opposing statehood the *Herald* was not speaking for the Democratic party but in the public interest. The population (and this was the old familiar, and hitherto successful, argument) could not support the additional taxation. Further the clever method of avoiding a constitutional convention was denounced:

We contend that the Legislature has no right to frame a Constitution for State government—no more right than any other number of equally respectable and intelligent gentlemen outside that body have to do it.³⁴

Partisan as the *Herald* could often be, its criticisms in this case were valid. Miller was particularly scathing towards Experience Estabrook, and William Kellogg, Chief Justice of the Territory, who were almost certainly members of the cabal which drafted the constitution. Miller referred to Kellogg as “our amiable constitution maker,”³⁵ and claimed that the constitution was devised by “three or four men who locked themselves up in their rooms to do their work.”³⁶ On February 9, 1866, the *Herald* noted that Kellogg and Estabrook “seem to be as restless as the honey-bee in the season of roses upon the state project.” The February 23, 1866, edition sternly demanded “By what Authority” as the leading article was headed, “Would a constitution have been formed if no offices had been born thereby?” With some justice it suggested that this was the real motive of the supporters of statehood.

Has this movement sprung from the people or from the politicians? Is this constitution the child of patriotism or the bastard of demagogism? Who made it? Who authorized it to be made?

³³ *House Journal*, 1866, p. 168.

³⁴ *Omaha Herald*, February 2, 1866.

³⁵ *Ibid.*, March 2, 1866.

³⁶ *Ibid.*, January 18, 1867.

The best and most recent authority on the history of Nebraska agrees that the statehood movement was largely the result of the determination of the governor and other Republican officials to force the project through.³⁷

The best condemnation of the whole procedure appeared in the February 16, 1866, edition in a leading article entitled "State." Referring to the constitution, Miller wrote,

Every step of progress through the Legislature was marked by a haste and intolerance of all investigation. . . . Why this unseemly haste? . . . not one man in twenty in the Legislature has ever read the constitution. . . . This constitution was not even printed. It was not even referred to a committee of either House.³⁸

In fine, the whole procedure was "utterly at war with every recognized precedent in the formation of State Government."

The constitution was railroaded through the legislature, but it still had to face the vote of the people on June 2, 1866, as called for in the joint resolution accompanying the constitution.

On April 12, 1866, the Union or Republican party nominated David Butler for governor, and adopted a platform favoring statehood.³⁹ The Democrats, as might be expected, were divided and it was supposed that their convention, to be held April 19 at Nebraska City, would result in a split, especially as the two leading Democratic figures were not in complete agreement. Morton remained opposed to statehood. He kept his *Nebraska City News* firmly against the measure—the furthest he would grudgingly go was to submit the question of statehood, but not in an actual constitution, to the popular vote.⁴⁰ Although the *Herald* remained opposed, in his private letters to Morton, Miller showed his unwillingness to be dogmatic. In February he confessed that although anti-state men were dominant in Omaha, "I

³⁷ Olson, *History of Nebraska*, *op. cit.*, p. 129.

³⁸ This is true only of the lower house.

³⁹ Morton and Watkins, *op. cit.*, I, 517.

⁴⁰ Olson, *op. cit.*, p. 137.

fear it may not be hereafter.”⁴¹ In March referring to the *Herald*:

I am saying little about state, for I only give it prominence by doing so. Until the conventions act I have thought little necessary to be said. I fear we do not make much head in attacking the *mode* on the state question. We shall be forced to its merits in the end.

Referring to the question of a possible Democratic ticket he continued:

Perhaps it may be best in the end to concede it. . . . If there is any danger [ie. of statehood being approved] we had better nominate. We can carry the legislature in spite of the devil, and I am not sure but we may elect the Representative.⁴²

The *Herald* continued to oppose statehood in a comparatively moderate fashion. The edition of March 23, 1866, repeated the taxation argument and felt that a delay of ten years would be advantageous. “Ambitious politicians will be the only sufferers by delay.” The same issue, in an article entitled, “The Progress of Our Settlement,” argued that territorial status would encourage immigration, adding in almost Turnerian tones that the immigrants,

justly look upon a territory as a State in the formative stage whose institutions have yet to be created, whose character has yet to be formed, and in which they can begin the race of life on equal terms.

It is difficult to take all this seriously. All the more so when six days later Miller wrote privately to Morton:

I want you to candidly consider the question of nominating a ticket upon this main point—will, or will not, a failure to nominate leave the minority who want a ticket in that demoralized state that will add to our disorganization in the Fall.⁴³

The “minority,” of course, refers to those Democrats who were in favor of statehood.

On the eve of the Democratic convention Miller wrote again to Morton. “Things are drifting towards State. Is not a ticket equal to the Democracy being for it?” This

⁴¹ Miller to Morton, February 22, 1866.

⁴² *Ibid.*, March 12, 1866.

⁴³ *Ibid.*, March 29, 1866.



Dr. George L. Miller, about 1870

meant if nominations were made (and they were) for state offices from the governor down, then naturally it would be tantamount to accepting the constitution. Miller continued, "I think State sentiment is growing. . . . Republicans are being rapidly purchased by the promise of place. . . . The Democracy divided leaves me in a bad position in the paper. There *may* be, after all, some danger in opposing a ticket at all."⁴⁴

Meanwhile the Republican press had, of course, been vigorously advocating statehood. The *Daily Republican* of Omaha, the chief political rival of the *Herald* in that city, called the taxation argument the "old bugbear" and denied that taxation would necessarily be higher in the event of statehood.⁴⁵ In this it was wrong—taxes rose steeply. The paper also stressed the influence Nebraska would have in Congress as a State—for example the prevention of a higher tariff.⁴⁶ Another important argument was the public land which would be acquired for education, public buildings and internal improvements.

When the Republican or Unionist party met on April 12, 1866, the platform advocated statehood for the following reasons—it would promote the speedy development of the area; it would put the school lands under public control and thus reduce taxation for the support of the school system; it would allow Nebraska to select its public lands before they were all taken by "foreign" speculators; the taxation of the property of foreign corporations would more than compensate for the increased expense of state government; finally, the question should not be made a party matter.⁴⁷

But the real issue was power not principles, as is revealed by the contrast between public utterances in the *Herald* and the private letters of Miller to Morton—the Democrats decided not to make an election issue out of

⁴⁴ *Ibid.*, April 18, 1866.

⁴⁵ *Omaha Republican*, January 3, 1866.

⁴⁶ *Ibid.*, February 5, 1866.

⁴⁷ *Ibid.*, April 20, 1866.

statehood. The convention at Nebraska City, which Miller attended as one of the delegates from Douglas County, held on April 19, 1866 went contrary to expectations. There was no split. The *Herald* was just when it called the meeting, "one of the . . . most harmonious assemblages of the Democracy that ever met in Nebraska."⁴⁸ Morton was prepared to compromise and the party adopted a platform which was non-committal on statehood, and which indicated approval of President Johnson and criticized the Republicans for not supporting him. The famous split between the President and his party was by this time troubling and embarrassing the local Republicans. Morton was nominated for governor on a full ticket.

Miller and the *Herald* pursued the campaign, which was most violent, with all possible vigor for the Democratic cause. The central feature was the joint-debates between Morton and his rival, Butler. Miller personally accompanied his friend on the stump and sent back signed reports to the *Herald*.⁴⁹

The well known, colorful international eccentric, George Francis Train spoke on behalf of the Democrats although he unequivocally supported statehood.⁵⁰

The *Herald's* own position on statehood was summed up in the edition of June 22, 1866, "The influence of this paper, until the Convention of the Democracy at Nebraska City failed to indicate a policy, was used against State. After that time its position was neutral."

As might be expected the Republicans used the bloody shirt technique in their arguments and Morton, as Miller had in the delegate campaign of 1864, found his connection with Copperheadism a distinct disadvantage.

The Democrats made an issue of Negro suffrage. The fourteenth amendment to the Constitution, it will be re-

⁴⁸ *Omaha Herald*, April 27, 1866.

⁴⁹ For example, see the edition of May 25, 1866.

⁵⁰ The *Herald* for June 1, 1866 carried a paid advertisement of Train's which listed reasons for voting for statehood.

called, was submitted to Congress on June 16, 1866, and although it did not enforce Negro suffrage, it nevertheless high-lighted the question together with the Republican reconstruction of the South. Miller and Morton were strongly opposed to Negro suffrage. Ironically, in 1859, Miller had opposed the abolition of slavery in Nebraska because it was an academic point, but did not take a similar stand on Negro suffrage when there were hardly any potential Negro voters. Later the *Herald* quoted Lincoln's words opposing Negro suffrage,⁵¹ and its editor had no confidence in the freeing of the Negro in the South. "At the present the poor negro of the South languishes under the burden of a freedom which, by nature and by the circumstances of his existence, he is unable to enjoy."⁵²

The Democrats also played upon the lack of Republican support for Johnson's reconstruction policy.

The Democrats were in an anomalous position. Had they won (and they nearly did) they would have elected a set of state officers while at the same time the constitution setting up a state would have been defeated.

The election was on June 2, but it was some time before the scattered votes could all be counted and a definite result be given. Nevertheless the *Herald* of June 8 proclaimed, "Democracy Triumphant," and announced, "Tremendous Democratic Majorities!" but added, "The HERALD will claim no victory until the figures come to show it." These early papers usually made confident predictions of elections although a careless reader might not realize that the figures were not yet in. On June 7, Miller gave Morton his estimate that Butler would be elected. Regretting this, he wrote, "It would have been a personal triumph to me as well as to you. For good or ill, public opinion links us together. When you fail, I do."⁵³ The next day's *Herald* remained confident that Morton would be governor.

⁵¹ *Ibid.*

⁵² *Ibid.*, February 2, 1866.

⁵³ Miller to Morton, June 7, 1866.

In his letter to Morton, Miller said that, "we may get the Legislature. And if we do, that Rooster will stand, for six successful days at the head of the *Herald*." Those six successful days did not come, but the edition of June 15, boasted the emblem of the party with the words "HERE HE IS!!" over the bird's head followed by "A Live Chicken and a Dead Eagle, The Eagle Has Ceased to Scream!!" Two days earlier, however, Miller confessed privately,

I cannot get at the real facts about this election. . . . This looks very tight and it is very tight. They are swindling us I have no doubt. . . . You have been fairly elected Governor in my opinion, and I fear nothing but continued swindling.⁵⁴

This swindling will be taken up directly—first let it be noted that by June 22, the *Herald* conceded that state government had been adopted by the people. "We accept this decision."⁵⁵ This acceptance of a popular vote is reminiscent of the way Republican papers all bowed to the voter's will when statehood was defeated in 1864. Democracy, in this sense, was certainly a dogma.

But as far as the governorship went, and this was not unusual, it was not the votes but chicanery which decided the issue. The vote of the Rock Bluffs Precinct of Cass County was disallowed by the board of canvassers because of a technical irregularity.⁵⁶ The vote was favorable to Morton and would, if counted, have given him the contest. Miller, understandably, referred to the Rock Bluffs business as "an unmitigated infamy,"⁵⁷ and protested that "the damned scoundrels are swindling us out of a victory fairly won against great odds."⁵⁸ The *Herald* railed against the fraud,⁵⁹ but to no avail. The *Omaha Republican* could not show that the Rock Bluffs business was not a fraud, but fell back on the argument that the Democrats had been practising fraud ever since the territory was organized. The paper added, referring to Morton and Miller, "We are

⁵⁴ *Ibid.*, June 13, 1866.

⁵⁵ *Omaha Herald*, June 22, 1866.

⁵⁶ For a brief account of this episode see Olson, *op. cit.*, pp. 142-3.

⁵⁷ Miller to Morton, June 13, 1866.

⁵⁸ *Ibid.*, June 12, 1866.

⁵⁹ For example, July 6, 1866.

rejoiced to see these hardened old sinners and reprobates seized with one virtuous fit."⁶⁰ For good measure the votes of the First Regiment of Nebraska Volunteers stationed at Fort Kearny were also counted, although the organic act stated that no soldier could vote simply because he was stationed in the territory. The Fort Kearny vote added to Butler's majority.

The election was a complete Republican triumph. At that time U. S. senators were, of course, elected by the legislature. Morton was one of the Democratic choices. The Rock Bluffs vote determined the whole Cass County election of representatives and senators which in turn made the difference between a Democratic and Republican majority in both houses. Thus, Republicans, John M. Thayer and Thomas W. Tipton, became the first Nebraska senators.⁶¹

Miller had ambitions of being senator. On June 12 he rightly forecast that Morton would be one Democratic nominee, and added, "I would like, 'devilish well' to be the other, but I shall be counted out and indeed count myself out."⁶² This proved not to be pessimistic and on July 11, when a joint session of the legislature elected the senators, Miller was not among the nominees.⁶³

Meanwhile the Democrats and the Johnson Republicans in Nebraska were drawing together. Miller had consistently supported the President in the *Herald*. In July the paper reaffirmed this policy—"The HERALD proceeds to stand by Andrew Johnson with all its might as usual."⁶⁴ On July 19, a meeting to form a Johnson Club in Omaha was held, but Miller and other prominent Democrats withdrew after a procedural wrangle, and next day called their own meeting.⁶⁵ It was clear that even moderate Republicans were

⁶⁰ *Omaha Republican*, June 12, 1866.

⁶¹ See Olson, *op. cit.*, p. 144.

⁶² Miller to Morton, June 12, 1866.

⁶³ *Senate Journal* of the State Legislature of Nebraska, First Session, 1866, p. 24.

⁶⁴ *Omaha Herald*, July 27, 1866.

⁶⁵ *Ibid.*, July 20, 1866. See also *Omaha Republican*, July 20, 1866.

not in complete harmony with Miller, and, no doubt, they wished to keep the leadership of any fusion party in their own hands. A national convention to organize the National Union Party had been called for August 14 in Philadelphia. The meeting from which Miller seceded had elected delegates to this convention, as did the Democrats in the legislature, and as did another convention held in Plattsmouth, made up mainly of Republicans.⁶⁶ Miller was chosen by none of these. He wrote to Morton of his disappointment at not being chosen, especially as he expected the meeting "to be the grandest political gathering of modern times."⁶⁷ Nevertheless, he attended the Philadelphia convention as proxy for A. J. Poppleton who had been selected by the Democrats in the legislature.⁶⁸

The *Herald* of August 10 announced that the editor would be absent for the next two or three weeks being engaged on "the Johnson business," but he continued to contribute to his paper by sending long letters back to Omaha. The first was published on August 17, and came from Sherman House, a Chicago hotel. Miller travelled with Morton, and a front page letter announced that the two men had visited Washington and had met the President.⁶⁹ They were introduced by an old friend, William A. Richardson, ex-Governor of Nebraska Territory. Miller noted, referring to Johnson's alleged drunkenness, that he showed no signs of the "bad habits with which he is charged." The statehood of Nebraska was discussed, and Johnson remarked that the bill was at that moment lying in his desk.

As for Washington, the perhaps rather stuffy editor of the *Herald*, described it as the

Sodom of America. Morally Washington is a cesspool of infamies. Senators and Representatives have set the example and illustrate the depredations which are a scandal and a shame upon the nation.

⁶⁶ Morton and Watkins, *op. cit.*, I, 537.

⁶⁷ Miller to Morton, July 24, 1866.

⁶⁸ *Omaha Herald*, August 10, 1866.

⁶⁹ *Ibid.*, August 24, 1866.

A letter dated the Big Wigwam (the fifteen thousand people met, literally, in a huge wigwam), Philadelphia, August 16, described the enthusiasm of the convention when the Northerners and the Southerners, Republicans and Democrats pledged support for Johnson and reiterated the right of states to decide the qualifications for the franchise.⁷⁰ The show was so staged as to justify Miller's epithet of "a great national marriage feast," with the band alternately playing "Dixie" and the "Star Spangled Banner." Events soon proved that this enthusiasm and unity was merely superficial, and Miller's rapturous descriptions of it over-sanguine. But then he rarely did things by halves.

Returning from Philadelphia, Miller confirmed the readers of the *Herald's* opinion that the East was a dreadful area. New York was little better than Washington. "The monstrous ruin that is being wrought by excess drinking and other worse means of self-destruction is frightful."⁷¹

Back in Nebraska there was an election to be fought. The bill admitting Nebraska to the Union was lying in Johnson's desk as the President had remarked to Miller. This pocket veto would merely delay things, but meanwhile territorial offices still had to be filled. Thus the fall elections were to pick a delegate to Congress under the territorial government, and, under the state constitution, a representative in Congress. On September 7, the *Herald* called for a union of all who supported the Philadelphia platform, and on September 11 the Democrats and Johnson Republicans both met at Plattsmouth in the same building, although not in the same room. They co-operated and named joint candidates—Morton being chosen for delegate, and Algernon S. Paddock for Congressman.⁷²

The *Herald* threw itself into the contest, the whole paper being turned into a "Campaign Paper" sold in bulk at special rates so that it would reach "the hands of every

⁷⁰ *Ibid.*

⁷¹ *Ibid.*, August 31, 1866.

⁷² For details see *Ibid.*, September 21, 1866.

voter.”⁷³ In spite of the *Herald's* enthusiasm the Democrats and Morton suffered a worse defeat than in June. On October 19 the *Herald* admitted a very bad beating, and ascribed it to national and not local causes. This seems to be the case—the press of both sides had concentrated on such issues as Johnson's reconstruction, and Negro suffrage in the South. The Democrats remained the party of treason and friendship with the rebels. The North Platte-South Platte rivalry played little part, being fairly well settled by an informal arrangement of giving each section one of the state's two senators.

Miller and his party had reached a new low. He wrote despairingly to Morton:

I am afraid you are beat again. God knows how sorry I am at the result. . . . I am trying to keep up a feeling of good spirits in the *Herald* but this is a sad day for us, and I feel the whole weight of it on your account and on our own. I am afraid you are injured for that future which has been so promising.

I did my best in the paper but nothing could save the demoralization that has accrued upon a long train of causes which we are powerless to control.⁷⁴

A few days later Miller wrote again to Morton in an even gloomier mood. He noted how the Republicans were attacking him and the *Herald* vigorously. With only slight exaggeration he claimed that he had done more for Omaha,

than any single man in it and am fought the harder for this reason. I sometimes think I had best gather the little I have together and go back to my native state into an obscurity from which there can be no awakening. I do not know that the *Herald* will pay me even the money the labor to build it up requires for a living reward. I work very hard and fight my enemies like the devil. . . . It doesn't pay yet. We get beaten in elections and beaten in everything. Damn things generally say I. Brighter days will surely come unless these are followed by darker ones in which case we will all go to hell together.⁷⁵

Meanwhile Congress was taking action on Nebraska's admission to the Union. Nebraska's state constitution restricted the right to vote to free white males, and the Rad-

⁷³ *Ibid.*

⁷⁴ Miller to Morton, October 10, 1866.

⁷⁵ *Ibid.*, October 20, 1866.

icals, by the nature of the policy they were pursuing in the South, could not look kindly on this provision. Accordingly, Senator Wade's bill for admission was passed on January 9, 1867, but with an amendment of Senator Edmunds of Vermont, adding that within the state of Nebraska, "there shall be no abridgement or denial of the exercise of the elective franchise or any other right to any person by reason of race or color, excepting Indians not taxed." The House passed a similar amendment which required the legislature of Nebraska to agree to this "fundamental condition." Later in January the President vetoed the bill, but in early February it was passed over his head. Johnson had good reason to veto the bill because Nebraska's first two Senators voted in favor of his impeachment.

This fundamental condition caused considerable debate in Congress, and also in Nebraska. Naturally Miller, who had attacked the Republicans on the fourteenth amendment, and had helped make the Negro suffrage an issue in earlier campaigns, was completely opposed to Congress's action. As early as February, 1866 noticing the attempt to force a similar provision on Colorado, he wrote, "Nebraska will take notice of what is in store for her."⁷⁶

On March 8, 1867 the *Herald* reported that the Democrats had scored some success in the Omaha municipal elections—among other things they elected Charles H. Brown as Mayor. Miller claimed the issue of the election to have been Negro suffrage (some Negroes had unsuccessfully tried to vote)⁷⁷ and that therefore the election was a triumph for the Democracy's stand. "Yesterday was to Omaha what Austerlitz was to France" proclaimed the *Herald* hyperbolically. But all this was whistling in the dark—two weeks earlier the paper correctly expressed little doubt that the state legislature would confirm the fundamental condition.⁷⁸ This was in spite of the fact that an attempt in the

⁷⁶ *Omaha Herald*, February 9, 1866.

⁷⁷ Morton and Watkins, *op. cit.*, I, 567.

⁷⁸ *Omaha Herald*, February 22, 1867.

House to frame the constitution to allow Negro suffrage had been deliberately voted down earlier.

On March 1, the same day that President Johnson signed the proclamation making Nebraska the thirty-seventh state, Miller wrote, that although

Ashamed of the frauds and wrongs through which this result has been reached, we shall still take pride in and do all we can to advance the prospects which invite us forward upon our new careers.⁷⁹

His political career, and indeed that of Morton, was over for the time being. Miller's future lay with his newspaper and his indefatigable efforts for the welfare of Omaha and Nebraska.

⁷⁹ *Ibid.*, March 1, 1867.