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I am submitting herewith a dissertation written by James Lewis Baumgardner entitled "Andrew Johnson and the Patronage." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in History.

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DISSERTATION
BIND IN 6639 GREEN

ANDREW JOHNSON AND THE PATRONAGE

A Dissertation

Presented to

the Graduate Council of

The University of Tennessee

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

by

James Lewis Baumgardner

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ABSTRACT

The Constitution bestows upon the president the right to make appointments "by and with the advice and consent of the Senate" to federal positions at home and abroad. Over the passage of time, through free use of this power and the implied power of removal, the several chief executives constructed a vast patronage system, of which one primary goal was to reward the party faithful for their services. The purpose of this dissertation is to determine how well Andrew Johnson, the unexpected successor of Abraham Lincoln, used the seemingly powerful patronage weapon and the reasons why he used it as he did.

Prior to his elevation to the presidency, Johnson had been a Jacksonian Democrat with a great faith in the wisdom of the masses of people. As such, he had subscribed to the spoils system with its attendant principles of loyalty to the party and rotation in office. There is little evidence to indicate that he subsequently changed his views, despite the fact that they were of questionable validity in the unbalanced postwar political context of 1865-1869.

Andrew Johnson was also a decided individualist, a characteristic which showed itself on several occasions during his presidential career. This trait at times overshadowed his political convictions and, increasingly during the course of his presidency, dictated his actions. Nowhere was this fact more clearly evident than in his use of the patronage.

As president, Johnson initially was allowed a free patronage hand, but as he and the dominant element of the Republican party, the Radicals,

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increasingly clashed on the issues of reconstruction, the latter moved to wrest control of the system from him. Seeking endorsement for his policies, he appealed to the people in the 1866 congressional campaign. Many of his supporters urged that he use the federal patronage to affect the outcome of the elections, and a number of changes were made, but the Radicals emerged victorious. Some observers, both at that time and later, charged that this result occurred because Johnson misused his patronage powers, but he probably realized that he could not have changed the outcome of the elections regardless of how he might have used his powers of removal and appointment.

Having failed to win popular support for his position, Johnson then faced the alternative of either turning to the Democratic party and bolstering it with the federal patronage or becoming politically isolated. The leaders of that party both expected and encouraged him to return to the fold, but the chief executive steadfastly refused to do so. The people had not elected a Democratic president in 1864 and Johnson's integrity and honesty dictated that they were not to receive one against their will.

While becoming increasingly politically isolated, Johnson sought to reward those who had remained faithful to him. Close supporters were appointed to office, and despite demands from Democrats that changes be made, he refused to remove loyal cabinet members from their posts. At the same time, however, the president would not tolerate disloyalty. When his secretary of war proved unfaithful, Johnson, defying Radical legislative efforts to secure Edwin M. Stanton in his position, removed

him from office. This move led to the chief executive's impeachment and trial, a process which the Radicals unsuccessfully attempted to turn into a condemnation of his entire patronage policy.

Both primary and secondary sources were used for this study. Heavy dependence was placed upon certain manuscript collections, particularly those of Andrew Johnson, Senators John Sherman and Lyman Trumbull, and Representative Elihu B. Washburne. The Congressional Globe, the United States Senate Executive Journal, and the official account of the impeachment trial were also of considerable value.

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INTRODUCTION

Two clauses of the Constitution relate to the subject of executive patronage. The first provides that the president

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.[1]

While the Constitution thus gave the president an extensive role in the process of appointment to federal office, it failed to make any provision for removals. Under what circumstances and by whom were removals to be made? This question became the center of a prolonged discussion in the First Congress when the bill establishing the Department of Foreign Affairs (later State Department) came before that body in June, 1789, with the provision that the secretary was "to be removable by the President." During the course of the debate in the House of Representatives several greatly variant ideas were aired, but the central issue for the majority of the members was whether the right to remove was an *ex officio* power of the president or an incident of the power to appoint and therefore to be shared by the president and the Senate.[2]

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[1] *United States Constitution*, Article II, Section 2, Clause 2. The only restriction placed on this provision was that incumbent congressmen could not hold other federal offices. *Ibid.*, Article I, Section 6, Clause 2.

[2] Virtually unsupported was the position of William Smith of South Carolina who insisted that the only provision made by the Constitution

The latter view was presented clearly by Alexander White of Virginia, who maintained that, since the Constitution divided the power of appointment between the president and the Senate, "they ought also to be associated in the dismission from office."[3] In support of the view, John Page, a fellow Virginian, gave expression to a thought which undoubtedly also was troubling some of his colleagues. Arguing that leaving the power of removal with the president alone would encourage the growth of an organization of civil servants loyal to him, Page warned that "conferring this power, so far from making the President more responsible, diminishes his responsibility, and inclines to establish him an independent monarch."[4]

The chief spokesman for the president's right to remove from office was James Madison, who had argued in an earlier House discussion on this subject that to divide the removal power between the president and the Senate would have the effect of diminishing the president's responsibility for the actions of those officials under him.[5] He now summarized his position:

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for removal was impeachment, thereby implying that offices were to be held during good behavior or at least for terms fixed by law. Annals of Congress, First Congress, 475. A view receiving some moderate support was presented by Sherman of Connecticut, who maintained that office was the creation of Congress and therefore within the limits of the Constitution could be regulated in any manner Congress saw fit. Ibid., 511.

[3] Ibid., 473.

[4] Ibid., 540-41.

[5] Ibid., 387, 394-95.

> Vest this power in the Senate jointly with the President, and you abolish at once that great principle of unity and responsibility in the executive department, which was intended for the security of liberty and the public good. If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest offices, the middle grade, and the highest, will depend, as they ought, on the President, and the President on the community.[6]

Events came to a climax on June 22. The second clause of the bill was amended to provide that the chief clerk of the department, who was to be appointed by the secretary and assigned such duties as he saw fit, would assume temporarily the secretary's duties "whenever the said principal officer shall be removed from office by the President of the United States" or in case of vacancy of that office for any other reason. This amendment carried by a vote of 30 to 18. The words "to be removable by the President" then were deleted from the bill by a vote of 31 to 19. These actions implied that the power of removal already rested with the president, thus making the original wording unnecessary.[7] In this manner, the champions of executive removal scored a safe but not overwhelming victory.

In the Senate, the body most vitally concerned in the matter, the result was much less decisive. Although not entered for the public record, the debate raged for four days, July 15-18, and finally resulted in a nine to nine tie. Vice-President John Adams then broke the deadlock by casting his vote for executive removal.[8]

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[6] _Ibid._, 518.

[7] _Ibid._, 600-8.

[8] Charles Francis Adams (ed.), _The Works of John Adams, Second President of the United States_ (10 vols., Boston, 1850-1856), I, 449-50.

This action by Congress, or the "decision of 1789" as it often was called, received varied treatment in the judicial opinions of the first half of the nineteenth century. John Marshall, in Marbury vs. Madison (1803), tended to favor the view that office was to be held during good behavior, an opinion soon discarded.[9] While approving of the association of the Senate with the president in the appointment procedure, the American jurist James Kent (1763-1847) was ambiguous on the question of removal.[10] His contemporary, Joseph Story (1779-1845), recalling the early view of Alexander Hamilton, argued that the power to remove was an incident of and inseparable from the power to appoint and stated that it "would be a most unjustifiable construction of the Constitution, and of its implied powers, to hold otherwise."[11] In reference to the "inferior Officers" mentioned by the Constitution, Story maintained that the "remedy for any permanent abuse is still within the power of Congress, by the simple expedient of requiring the consent of the senate to removals in such cases."[12]

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[9]United States Senate, The Constitution of the United States of America: Analysis and Interpretation (Washington, 1952), 457-58.

[10]James Kent, Commentaries on American Law (9th ed.; 4 vols., Boston, 1858), I, 309-10.

[11]Joseph Story, Commentaries on the Constitution of the United States with a Preliminary Review of the Constitutional History of the Colonies and States before the Adoption of the Constitution (4th ed.; 2 vols.,Boston, 1873), II, 351-52. Alexander Hamilton had assumed in Federalist #77 that senatorial approval would be necessary for removal as well as for appointment. Alexander Hamilton, James Madison, and John Jay, The Federalist Papers (Mentor ed.;New York, 1961), 459.

[12]Story, Commentaries, II, 356. The majority decision of the Supreme Court in Ex Parte Hennen (1839) seemingly tended to support

The other clause of the Constitution pertaining to presidential patronage states: "The President shall have Power to fill all vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."[13]

The key word in this statement was "happen." As early as 1823, the attorneys-general were interpreting it to mean "happen to exist" and such was the meaning which generally came to be accepted.[14] The implication of this interpretation could be quite far-reaching. A person appointed to any office by the president would be entitled to hold that office until the expiration of the next session of the Senate. A vacancy then would "happen to exist" and there was nothing to prevent a president, if he so chose, from reappointing the individual. There was also the possibility that the chief executive could fail to submit a name at all and simply fill the vacancy after the expiration of Congress, thus completely nullifying the Senate's power.[15]

Story's contention in that it commented, "But it was very early adopted, as the practical construction of the Constitution, that this power [of removal] was vested in the President alone. And such would appear to have been the legislative construction of the Constitution." Richard Peters, Reports of Cases Argued and Adjudged in the Supreme Court of the United States: January Term, 1839 (Philadelphia, 1839), 259. The implication apparently was that Congress had the right to change the said construction at any time.

[13]United States Constitution, Article II, Section 2, Clause 2.

[14]Senate, The Constitution, 455.

[15]Carl Russell Fish, The Civil Service and the Patronage (Cambridge, 1904), 192. Although he frequently pursued the first alternative as outlined, not even the hard-pressed Andrew Johnson was inclined to follow the latter course. The possibility, however, supplied excellent grist for alarmists' mills.

The first six presidents of the United States tended to pursue patronage policies which were remarkably uniform. The aristocratic George Washington (1789-1797) and John Adams (1797-1801) believed that the government should be run by the affluent and that the best families should encourage their most capable sons to enter public service.[16] Appointments to office were made on the basis of such considerations as personal integrity, community standing, and place of residence.[17] Few removals were made by the two and most of those made were for such things as neglect of duty or mismanagement of public funds. Although as early as 1792 there was emphasis upon the importance of political conformity in the filling of vacancies, Washington apparently made no removals and Adams very few on the basis of political considerations.[18]

There was a sharp increase in removals from office during the early part of Thomas Jefferson's administration. Inheriting a civil service completely dominated by Federalists, the Republican Jefferson felt it necessary to make changes in one-fourth of those offices where appointment by the president and confirmation by the Senate was required.[19]

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[16] Fritz Morstein Marx (ed.), Elements of Public Administration (2nd ed.; Englewood Cliffs, N.J., 1959), 18.

[17] Leonard D. White, The Federalists: A Study in Administrative History, 1789-1801 (New York, 1948), 257-68. The stress on place of residence meant an attempt at geographical apportionment for the more important national offices and local residence for lesser positions.

[18] Ibid., 271-78, 271-78, 284-85, 287.

[19] O. Glenn Stahl, Public Personnel Administration (5th ed.; New York, 1962), 30.

Following this transition period, Jefferson and his three immediate successors--James Madison (1809-1817), James Monroe (1817-1825), and John Quincy Adams (1825-1829)--while confining their choices for office to adherents of the Republican party, generally followed the practice of their Federalist predecessors. Being of much the same social class, they too apparently tended to confine their appointments to the better classes. Like them also, they emphasized integrity, respectability, and the importance of geographic apportionment and local residence in the filling of public offices.[20]

The elevation of Andrew Jackson to the presidency in 1829 witnessed the introduction of a quite different patronage arrangement, a scheme which was to become known as the spoils system. Jackson himself set the theme during the course of his first annual address. Warning that continuation in office tended to produce indifference to public interest, he noted,

> The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience.[21]

Jackson's call for rotation in office was not an entirely new idea. That theory had received strong impetus in 1820 with the passage

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[20]Leonard D. White, The Jeffersonians: A Study in Administrative History, 1801-1809 (New York, 1951), 355-57, 360-62, 368.

[21]James D. Richardson (comp.), A Compilation of the Messages and Papers of the Presidents, 1789-1897 (10 vols., Washington, 1896-1899), II, 448-49.

of the Four Years Law, a measure which provided for four-year terms for such federal officials as district attorneys, naval officers, army paymasters, collectors of customs, and others who were in charge of public funds. Although later modified, this act greatly aided the institution of the spoils system by giving Jackson a legal basis for making desired removals, regardless of the competence of the officials being replaced.[22]

With the introduction of the equalitarian attitudes of Jacksonian democracy and the ascendancy of the common man, the spoils system became the way of life in the administration of the federal government. General proscription was the expected result of any change in party control. Party affairs were left largely to professional politicians who in return for their faithful labors expected reward in the form of office and/or patronage when their side gained control of the reins of government.[23]

The pre-Civil War attitude toward the spoils system was one of widespread acceptance. Such complaints as were made were usually those of the "outs" and these objections had a way of disappearing once the "outs" became the "ins." Thus, the opponents of the system generally tended to be of Federalist-Whig-Republican origin, since they were more often out of office than in during the ante-bellum period.[24]

Whatever else Abraham Lincoln (1861-1865) may have been, he difinitely was not a civil service reformer. His elevation to the

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[22]Marx, Elements of Public Administration, 19.

[23]Stahl, Public Personnel Administration, 31-32.

[24]Ari Hoogenboom, Outlawing the Spoils: A History of the Civil Service Reform Movement, 1865-1883 (Urbana, 1961), 7.

presidency was followed by perhaps the most complete turnover of federal officeholders in the entire history of the spoils system. Only those whose efficiency made them virtually indispensable were spared. The number of removals during this transition from Democratic to Republican control of the federal government varied from department to department. Removals were relatively few in the State Department but were wholesale in the Treasury Department, which was headed by Simon Cameron, a hearty spoils system proponent.[25]

The patronage position of the president thus was theoretically awesome as of 1865. The accepted interpretations of the pertinent constitutional passages favored the chief executive. The spoils system had placed at least as much emphasis upon the removal power of the president as upon his appointive role.[26] James Madison's "chain of dependence" had become an actuality and almost daily became more lengthy. At the close of the Civil War, the seven administrative departments which ran the government employed approximately 53,000 persons who were collecting a total annual payroll of about $30,000,000. Of first importance was the Post Office Department, with employees in almost every town and hamlet in the United States. Second in size was the Treasury Department, with a large number of positions in Washington to fill, as well as in custom houses and internal revenue agencies throughout the country.

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[25] Harry J. Carman and Reinhard H. Luthin, Lincoln and the Patronage (New York, 1943), 331-32.

[26] Leonard D. White, The Jacksonians: A Study in Administrative History, 1829-1861 (New York, 1954), 33-34.

By virtue of its Land, Patent, Indian, and Pension Bureaus, the Interior Department was also worthy of considerable patronage attention. Remaining federal positions were divided among the War, Navy, State, and Justice Departments.[27]

The president chose the heads of the seven divisions and these in turn normally made the appointments to office in their respective departments. Important appointments, such as chief clerks and major field officers, customarily were cleared with the president and on some occasions were dictated by him. Subordinate positions were left to the heads of the local offices, who made the formal appointments after clearance with the head of the department.[28]

Although the entire federal patronage system was thus theoretically in control of the president by 1865, his power was limited by certain practical considerations. There were traditional sources of advice to be consulted on the subject of appointments and/or removals. Senators were to be consulted on all moves for and from their respective states.

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[27]Hoogenboom, Outlawing the Spoils, 1-2. If Hoogenboom's figures are accurate, the passing of the war apparently allowed the government to make considerable retrenchment. By 1868, there were 41,588 persons in federal positions drawing a total annual salary of $21,180,736.87. United States Senate, Trial of Andrew Johnson (3 vols., Washington, 1868), I, 736. It should be noted that, of this large number, very few actually held presidential offices, i.e., those filled by the joint action of the president and the Senate in the manner set forth by the Constitution. In 1859, this total stood at 1,520; in 1869, 2,669. Carl R. Fish, "Removal of Officers by the Presidents of the United States," American Historical Association Annual Report (1899), 81, 83. The remainder were appointed in the way described in the body of the text.

[28]White, The Jacksonians, 395-96.

Local changes usually were made with the consent of the congressmen concerned. Also to be given careful attention were the recommendations of governors of important or pivotal states, heads of departments, and certain powerful political bosses, such as Thurlow Weed of New York. To deviate from the normal channels of patronage advice was to risk the anger of hundreds along the party line who were dependent upon the party and its successes for their place in the community.[29]

The political situation caused by the Civil War added its own peculiar limitation to executive patronage. Prior to the coming of the war, Americans had become accustomed to functioning with a two-party political system in which patronage was used to bolster the power of the group in office. During the course of that conflict, however, party affiliations became blurred. While the bulk of the Democratic party favored a negotiated settlement, many Democrats labored by the side of Republicans in the task of preserving the Union. This coalition was represented on a national ticket in 1864 which put forth a Republican for president and a Democrat for vice-president. The venture was rewarded with success, but within six months of the election, the former was dead and the latter, as the new chief executive, was in control of the immense federal patronage system. The question was, with a fitful peace restored to the country by mid-1865, for and against whom was it to be used and for what purpose?

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[29] Ibid., 123-124; Carman and Luthin, Lincoln and the Patronage, 333; W. R. Brock, An American Crisis: Congress and Reconstruction, 1865-1867 (Harper Torchbook edition; New York, 1963), 164.

In sum, the opinion of the president had never carried such weight in patronage matters as it did in 1865, but the risks of total political disaster for him were also great. This was the delicate position into which a former Tennessee tailor was thrust by an assassin's bullet in April of that fateful year.

CHAPTER I

PATRONAGE: THE PRE-PRESIDENTIAL VIEW

Andrew Johnson was born in Raleigh, North Carolina, on December 29, 1808. His father, a likable tavern porter, died when the lad was only three, and his mother, a laundress and seamstress, later apprenticed him to a local tailor. Some time afterward, he ran away, leaving an angry employer who offered a reward for his return. He returned to Raleigh in 1825 but shortly thereafter moved westward, settling finally at Greeneville, Tennessee. Here he married Eliza McCardle, the fatherless daughter of a shoemaker, started a family, and worked at his trade. By thrift and hard labor, he gradually acquired some modest wealth and, according to some accounts, with the help of his wife the basic elements of an education which largely had been denied him earlier in life.[1]

Deeply interested in politics, the young man advanced rapidly upon entering the political arena. In the short period from 1829 to 1841, he served successively as alderman and mayor of Greeneville, state representative, and state senator.[2] His earliest political leanings were confused. O. P. Temple, an opponent of Johnson in a later congressional campaign, much later recollected that he was considered a Whig in 1835

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[1]This resume is based primarily upon the treatment of Johnson's life given by Robert W. Winston, Andrew Johnson, Plebeian and Patriot (New York, 1928), 3-25 passim, and the brief summary in the Biographical Directory of the American Congress, 1774-1961 (Washington, 1961), 1122-23.

[2]Ibid.; Winston, Andrew Johnson, 26-39.

and continued to be so considered by the Whigs until about 1839.[3] Be that as it may, his stint in the Tennessee Assembly apparently crystallized his views, and he became a Democrat "of the Jackson kind, not a Democrat in the party sense but a universal Democrat, looking to democracy to cure all the evils of life."[4]

In 1842, Johnson moved to the national scene by securing election as a Democrat to the Twenty-eighth and the four successive Congresses (March 4, 1843-March 3, 1853).[5] Shortly after his initial election, he made it amply clear that he endorsed rotation in office, the fundamental doctrine of the spoils system. In a letter published in the Jonesboro Whig in February, 1843, Johnson and some friends wrote to Aaron V. Brown, a Middle Tennessee Democratic congressman (1839-1845) and future governor (1845-1847), urging that William Dickson, the long-time Greeneville postmaster, be replaced. As one of their arguments, they stated: "That the doctrine of rotation in office we believe to be correct and that it is a

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[3]Oliver P. Temple, Notable Men of Tennessee from 1833 to 1875: Their Times and their Contemporaries (New York, 1912), 367-68. The party situation in Tennessee in the mid-1830's was in a state of flux and Johnson for a time seemingly hesitated between the Whigs and the Democrats. LeRoy P. Graf and Ralph W. Haskins (eds.), The Papers of Andrew Johnson (1 vol. to date, Knoxville, 1967-), I, xxiv-xxv.

[4]Winston, Andrew Johnson, 26. Johnson was prone on occasion to declare this loyalty in soaring terms. Illustrative was a remark he buried in the middle of a lengthy address to the people of his congressional district in October, 1845: "A belief in the pure and unadulterated principles of Democracy, is a belief in the religion of our Savior, as laid down while here upon earth himself--rewarding the virtuous and meritorious without any regard to station, to wealth, or distinction of birth." Graf and Haskins, Johnson Papers, I, 240.

[5]Biographical Directory, 1123.

violation of a fundamental principle of the Republican party to continue a man in office during his life. . . ." Also cited as a major indictment was their belief "that the Post Office at this place will be used as an engine to promote the pretensions of persons to office who are opposed to the present Administration."[6] Such a practice constituted another cardinal violation of the spoils system.

The Tennessee congressman did not hesitate to express his Jacksonian patronage attitudes in Washington. In a speech before the House on January 21, 1845, Johnson called for apportionment of federal offices. Noting that there were at least seven or eight hundred such positions in Washington and abroad, he declared that there was not one congressional district "but what can furnish its proportionable number of officers, as well qualified and equally as pure and incorruptible as those hangers-on about this city." After a person had held an office for a time, there was no reason why he should not be removed and another allowed to benefit as he had.[7] Approximately a year later, he presented to his colleagues seven resolutions which among other things affirmed as "one of the cardinal tenets in a Republican form of Government" rotation in office, demanded terms of no more than eight years for all federal offices and their apportionment among the congressional districts, and called for due consideration of "farmers and mechanics" in filling governmental

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[6]Johnson, M. Lincoln, and others to Aaron V. Brown, December 6, 1842, Graf and Haskins, Johnson Papers, I, 108.

[7]Congressional Globe, 28 Cong., 2 sess., Appendix 220.

positions.[8] He offered almost verbatim the same resolutions to the Thirtieth and Thirty-second Congresses.[9] The Tennessean was unable to get his associates to adopt his version of the spoils system.

Like any congressman, Johnson had a deep and abiding interest in obtaining and controlling federal patronage for his district and state, an interest which led him into conflict with President James K. Polk. Both men were Tennesseans and Democrats, and Johnson at first tended to support him. In his speech to the House on January 21, 1845, Johnson vehemently denied that the South was promising support for Polk's policies in return for executive positions. It was "still a greater slander to say that James K. Polk . . . was capable of using such unworthy means to obtain support for his administration."[10]

Representative Johnson soon discarded such a view of the new president as he found himself increasingly in disagreement over Polk's

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[8] Ibid., 29 Cong., 1 sess., 192-93. As one student of nineteenth century Tennessee politics has noted, Johnson at times was accused of demagogism, but his continuing concern for the mechanic and farmer was great and sincere. Thomas P. Abernethy, From Frontier to Plantation in Tennessee: A Study in Frontier Democracy (Chapel Hill, 1932), 312.

[9] Cong. Globe, 30 Cong., 1 sess., 457; 32 Cong., 2 sess., 1164. Another example of Johnson's beliefs in apportionment and rotation in office came on May 31, 1848, when he unsuccessfully tried to amend a bill regulating clerical appointments in the executive departments by inserting two sections calling for apportionment of offices among congressional districts and eight-year terms for the officers appointed. Ibid., 30 Cong., 1 sess., 800-02.

[10] Ibid., 28 Cong., 2 sess., App. 220. In making this statement, Johnson apparently was choosing to gloss over the fact that patronage was used as a means of party rewards while making a heated defense of southern integrity. Another representative earlier had indicated his conviction that a few well distributed offices would make the tariff more acceptable to the South. The Tennessean replied to this notion by declaring that

patronage policies. In a diary entry dated July 21, 1846, Polk traced Johnson's opposition to him to some appointments made in East Tennessee with which the congressman was "dissatisfied."[11] Whatever the cause, Johnson had been quick to press his attack on the chief executive. On March 9 he had declared in reply to a question concerning Tennessee's share of executive appointments that Pennsylvania "had more of those appointments in one county than the whole state of Tennessee put together."[12] On June 10, 1846, his reply to a remark by Stephen A. Douglas of Illinois to the effect that the president had more important things to do than "the pitiful business of scattering spoils among minor officers" had been a sarcastic "Is he not now?"[13] The day after Polk had confided his opinion to his diary, Johnson wrote to his friend Blackston McDannel, a Greeneville Democrat, concerning Polk's appointments:

> Take [them] all and all and they are the most damnable set that were ever made by any president since the government was organized, out of Tennessee as well as in it--. . . There is one thing I will say, that is, I never betrayed a friend or [was] guilty of the black sin of ingratitude--I fear Mr. Polk cannot say as much--[14]

In a practical sense, Johnson was the loser in this running argument because Polk made careful note of Johnson's opposition to him and

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it was "a slander on southern reputation to say that she can be bought by any office in the gift of the executive." Ibid.

[11]Milo M. Quaife (ed.), The Diary of James K. Polk during his Presidency, 1845 to 1849 (4 vols., Chicago, 1910), II, 37.

[12]Cong. Globe, 29 Cong., 1 sess., 472. [13]Ibid., 954.

[14]Johnson to McDannel, July 22, 1846, Graf and Haskins, Johnson Papers, I, 332.

simply ignored him in making appointments in Tennessee.[15] Although the representative ceased his attacks upon the president after realizing that his attitude almost led to his defeat in the congressional campaign of 1846, Polk could not forgive his fellow Tennessean. On January 1, 1849, the chief magistrate bitterly confided to his diary,

> Professing to be a Democrat, he [Johnson] has been politically if not personally hostile to me during my whole time. He is very vindictive and perverse in his temper and conduct. If he had the manliness or independence to manifest his opposition openly, he knows he could not be again elected by his constituents.[16]

A Tennessee legislature dominated by Whigs "gerrymandered" Johnson out of Congress in 1851 by passing a bill adding Johnson's home county of Greene to a solidly Whig district.[17] He therefore did not stand for re-election in 1852, but he still retained a vital interest in federal patronage. Writing to an Abingdon, Virginia, Democratic newspaper editor, he noted concerning the incoming Pierce administration that what was needed to correct the abuses and corruptions prevalent throughout the various departments of the government was an ample and skillful use of the "pruning knife." With typical Jacksonian logic, he noted that the Whigs should expect removal with the Democrats returning to power, but that those pseudo-Democrats who had managed thus far to retain office

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[15] Charles A. McCoy, Polk and the Presidency (Austin, 1960), 180, 205.

[16] Quaife, Diary, IV, 265. George Fort Milton, The Age of Hate: Andrew Johnson and the Radicals (New York, 1930), 83. Polk was not entirely correct in these remarks, since Johnson after their rift over patronage gave particularly strong support to Polk's Mexican war policy. Cong. Globe, 29 Cong., 2 sess., 39-40.

[17] Winston, Andrew Johnson, 42, 68-69.

should be removed among the first, since they tended to "change their political complexion with as much ease as the camelion [sic] changes the hues of its skin."[18]

While thus expecting, the Pierce administration to make the usual sweep of offices which occurred with every change of party control, Johnson saw little hope for his home state to receive its share of offices "on account of behaving so badly in the late election."[19] Tennessee's failure to support the Democratic ticket had to be punished because loyalty to party was one of the prime requisites of the spoils system. Johnson's attempts to secure offices from Pierce for some fellow Tennesseans seemingly reflected his belief that such loyalty was necessary in order to obtain office. In recommending one S. C. Pavatt for a chargé d'affaires position, his letter stated, "His long devotion to democratic principles, and his willing sacrifice of time and means

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[18]Johnson to Leonidas Baugh, December 1, 1852, Leonidas Baugh Papers (Southern Historical Collection, University of North Carolina), copy in Johnson Papers. Johnson's acceptance of the spoils system axiom that some changes must occur even merely with a change from one chief executive to another of the same party can be seen in a letter written in 1850 to the Greeneville postmaster, William Lowry. Millard Fillmore, a Whig, had recently succeeded Zachary Taylor, another Whig, as president and, in his note to Lowry, Johnson warned that offices in Tennessee probably would be swept clean as the new postmaster-general intended "to do the work thorough." Johnson to Lowry, August 12, 1850, Graf and Haskins, Johnson Papers, I, 584.

[19]Johnson to David T. Patterson, December 3, 1852, Andrew Johnson Papers (Andrew Johnson Project, University of Tennessee). Unless otherwise noted, the originals of the papers in the project's Johnson collection are in the Library of Congress. Tennessee was one of only four states to cast its electoral vote for the Whig ticket of Winfield Scott and William A. Graham. The Tennessee vote was 58,898 to 57,018. Edward Stanwood, A History of the Presidency from 1788 to 1897 (New York, 1898), 257.

for the cause & success of his party induce us to solicit for him one of the positions he desires . . . ."[20] The one outstanding qualification of Colonel D. H. Cummings of Knoxville which recommended him to be governor of Washington Territory was the fact that he was "a sterling Democrat."[21]

First elected in 1853, Andrew Johnson served two terms as governor of Tennessee. The bitter gubernatorial campaign of 1855 produced the one major instance in which he had serious difficulty with patronage. His opponent was Meredith P. Gentry, an old-line Whig and the endorsed candidate of the American, or Know-Nothing, party. Although the governor was successful in his re-election bid, the Know-Nothings, with the help of the Whigs, initially were able to control both houses of the General Assembly by a narrow margin.[22] The State Senate subsequently refused to confirm Johnson's nominations for various state boards and the penitentiary inspectors. In addition, bills were introduced into the Assembly designed to remove many of the governor's appointive powers and to place in the hands of the legislature the appointment of the board of directors of the Bank of Tennessee, the keeper of the penitentiary, and the

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[20]Johnson and others to Franklin Pierce, March 1, 1853, Johnson Papers (original in National Archives).

[21]Johnson and others to Pierce, February 17, 1853, ibid. (original in National Archives).

[22]Stanley J. Folmsbee, Robert E. Corlew, and Enoch L. Mitchell, History of Tennessee (4 vols., New York, 1960), II, 10-12. The party division in the Assembly stood: Senate: 12 Democrats, 12 Know-Nothings, 2 Whigs; House: 36 Democrats, 36 Know-Nothings, 1 Whig. Philip M. Hamer (ed.), Tennessee: A History, 1673-1932 (2 vols., New York, 1933), I, 503.

commissioner of roads. These changes apparently were being sought in order to fulfill previous promises made to certain individuals regarding these positions. Whatever the reason for the attempts, they failed because of an anti-Know-Nothing majority which developed in the House.[23] Johnson had survived the test and continued to make his appointments with an objective which he seems always to have had, the furthering of his own political ends.[24] His ambitions were rewarded with his election to the United States Senate upon expiration of his second gubernatorial term in 1857.[25]

The ex-governor could not have been returning to the national scene at a more critical time. The 1850's had witnessed an increasing rift between the North and South, one which came to a climax in 1860. The presidential campaign of that year, one of the most dramatic in American history, witnessed the division of the Democratic party, a

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[23]W. M. Caskey, "The Second Administration of Governor Andrew Johnson," East Tennessee Historical Society's Publications, II (1930), 45.

[24]This interpretation of Johnson as pre-eminently politically inspired was suggested in the Washington National Republican by an anonymous contemporary writer. 1865 scrapbook, Johnson Papers.

[25]Robert G. Russell, "Prelude to the Presidency: Election of Andrew Johnson to the Senate," Tennessee Historical Quarterly, XXVI (Summer, 1967), 148-76. According to this source, Johnson's success in gaining the Senate seat was part of his grand design in a move toward the presidency. In order to make this step, he actively and successfully campaigned for a friendly legislature in the 1857 elections. This effort, coupled with the rising star of the Democracy in Tennessee and the fading of the combined Whig-Know-Nothing forces, gave him the seat. Neither Russell nor any other source consulted ventured so far as to conjecture that Johnson's patronage had anything to do with his 1857 success, but things being what they were in the mid-nineteenth century, it probably would be safe to assume that patronage did play some role, however minor, in this victory.

four-man race, and the emergence of a plurality president, Abraham Lincoln. By the time of his inauguration, the Union had been diminished by the seven states which comprised the Lower South.[26]

Treading a moderate path, Tennessee in the 1860 presidential canvass had voted for John Bell, a long-time Tennessee Whig leader. The state had no Republican party organization, but Bell's conservative Constitutional Unionist faction seemed to occupy a position close to that of the Republicans. Many Tennessee Unionists in early 1861 therefore assumed that the channel of federal patronage would be through that group. This assumption began to wilt, however, when Lincoln selected Montgomery Blair, a former Jacksonian Democrat, over Henry Winter Davis, an old-line Whig, for postmaster-general. Since the latter part of Bell's political career had been distinguished by anti-Jacksonianism and the Post Office Department was the single largest source of federal positions, the Constitutional Union forces thus were eliminated from serious patronage consideration.[27]

As Bell's chances of becoming Lincoln's chief patronage dispenser for Tennessee faded, the suspicion grew among conservatives there that the new president was referring inquiries for federal positions in Tennessee to that state's strong-willed, pro-Unionist senator, Andrew

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[26]South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas.

[27]J. Milton Henry, "The Revolution in Tennessee, February, 1861 to June, 1861," Tennessee Historical Quarterly, XVIII (June, 1959), 105-06, 108.

Johnson.[28] This man, who equated secession with treason, was a natural choice for such a role, and what little doubt Tennessee Unionists may have held about his selection undoubtedly was shattered when one of John Bell's recommendations was sent to Johnson for his approval.[29] The Bell adherents had defeated Breckinridge in 1860, but they now had to turn to a Breckinridge Democrat for Federal positions.[30] This realization so disheartened them that they abandoned their struggle to save Tennessee for the Union, leaving that task to Johnson and his friends.[31]

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[28] Ibid., 107. Johnson's erstwhile opponent O. P. Temple later suggested that the reason Johnson was so strongly pro-Union was that he at first believed that Tennessee would remain loyal, but that even if the state did leave the Union, his political chances would be brighter in the North. His declaration of loyalty to the Union while other southern senators were moving away would elevate him to prominence and possibly to the presidency. Temple, Notable Men, 394-96. If Russell is correct in his thesis (see above, n. 25), such reasoning as Temple here suggests would appear feasible. It is difficult to believe, however, that Johnson was so completely politically motivated. Is it not possible that he sincerely believed in the Union cause and was willing to take a stand on this conviction alone?

[29] On March 11, the first assistant postmaster-general forwarded to Johnson a recommendation by John Bell that James Turk be made mail agent from Chattanooga to Knoxville. The notation read, "I am instructed to inquire whether the enclosed suggestion meets your approval." John A. Kasson to Johnson, March 11, 1861, Johnson Papers. For other indications of Johnson's influence, see the following letters to him in the Johnson Papers: S. P. Chase, March 13, 1861; J. L. Williams, March 20, 1861; George Harrington, March 26, 1861; George C. Whiting, March 16, 1861.

[30] Johnson made no apologies for having voted for Breckinridge in 1860. As he put it in a speech in Cincinnati on June 19, 1861, he believed there had been "no disagreement between Republicans, Bell men, Douglas men, and Breckinridge men, as regards the preservation of the Union of States." Frank Moore (ed.), The Rebellion Record: A Diary of American Events (11 vols., New York, 1861-1868), II, 148-51.

[31] Henry, "Revolution in Tennessee," 113-14.

Saving Tennessee for the Union and the incoming Lincoln administration was not an easy assignment. Johnson had been deluged with letters inquiring about federal positions since early 1861, and not all of them had been encouraging. A letter from West Tennessee informed him that M. C. Galloway, the Memphis postmaster, was resigning effective March 5 in order to "throw upon the postmaster appointed the odium or prejudice of accepting office under Lincoln."[32] The Nashville postmaster wrote on February 22 to inform Johnson of his decision to retire because he did not want to hold office under the new president.[33] The United States marshal for Middle Tennessee frankly expressed to Johnson his sentiments: "I am a Southern man in my feelings, and if a separation does take place, I want Tennessee to go with the South."[34] An applicant for that position declared his qualification to be the fact that he was "probably the only man in Middle Tennessee that voted for him [Lincoln]."[35]

Despite the manifestations of hostility toward Lincoln and expressions of the desire to see Tennessee leave the Union, there were many opportunists who were eager to obtain federal positions from the hated Black Republican, Abraham Lincoln. Andrew Johnson's mail was filled with pleas that he intercede with the incoming chief executive for

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[32]E. W. M. King, William Brown, and J. Knox Walker to Johnson, February 18, 1861, Johnson Papers.

[33]S. R. Anderson to Johnson, February 22, 1861, ibid.

[34]J. B. Clements to Johnson, March 1, 1861, ibid.

[35]John Newman to Johnson, March 5, 1861, ibid.

situations ranging from judge to postmaster to mail agent. One of the many seeking to be appointed marshal for Middle Tennessee assured Johnson that any influence he exerted on his behalf with the Lincoln administration would be "duly appreciated."[36] The incumbent postmaster at Athens requested the senator to "intercede in my behalf with the incoming administration."[37] Another writer, recommending a friend for a route agent's position, noted that he himself did not know Johnson personally but was aware that he had more sway with the new administration "than any man in the state."[38]

Some of those actively seeking office from a Republican president were, like Johnson himself, Democrats. Under ordinary circumstances, this could not have been expected, but these were not normal times. As one Democratic incumbent who was seeking to retain his post reasoned, "I take it for granted that Mr. Lincoln is under no particular obligation to either of the political parties in Tennessee--as he received no direct support from Tennessee. . . ."[39] Others, while declaring their past Democratic convictions, also avowed their loyalty to the federal government. One Johnson correspondent stated that he had been a Democrat since

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[36] T. C. Ramsey to Johnson, February 21, 1861, ibid.

[37] W. G. Horton to Johnson, February 23, 1861, ibid.

[38] E. H. Dunn to Johnson, March 2, 1861, ibid. Any perusal of the Johnson Papers for February and March of 1861 will reveal that a large portion of Johnson's correspondence in these months concerned patronage. Those cited are intended to be merely illustrative of such petitions.

[39] J. B. Clements to Johnson, February 18, 1861, ibid.

the time of Jackson but added that he was "now a Union man."[40]

As was to be expected, Johnson's work was complicated by the fact that there were several much coveted places. The federal marshalships for the eastern and middle divisions of the state were in this category, with each being sought by at least nine aspirants. The postmasterships of Memphis, Nashville, and Knoxville also had wide appeal, particularly the one in Nashville which had a minimum of eight seekers.[41]

An astute politician, Johnson was not slow in making use of his advantageous situation. As friend and former foe alike sought placement through him and as he passed judgment upon their applications, he apparently allowed party considerations and personal attitudes to sway him. He seemingly believed that the one sure way to insure Unionism in Tennessee was to build a party around himself.[42] At least some individuals realized that this was what the senator was attempting to do. Recommending Lewis Tillman for the middle Tennessee marshalship, one

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[40]William Smith to Johnson, February 18, 1861, ibid.

[41]The eastern post ultimately went to Blackston McDannel, a longtime Johnson friend, while E. R. Glascock received the middle one. The Knoxville postmastership was retained by the incumbent, C. W. Charlton, and Nashville went to W. D. McNish, who had been recommended by the outgoing postmaster. These appointments are to be found in the Secretary of the Interior, Register of Officers and Agents, Civil, Military, and Naval, in the Services of the United States on the Thirtieth September 1861 (Washington, 1862). Apparently because of widespread southern sympathy in West Tennessee, situations there generally were not filled. With Tennessee's withdrawal from the Union in mid-1861, those appointments already made in the eastern and middle divisions in effect were negated.

[42]Henry, "Revolution in Tennessee," 110; LeRoy P. Graf, "Andrew Johnson and the Coming of the War," Tennessee Historical Quarterly, XIX (September, 1960), 220.

correspondent noted that his candidate was a "Johnson man on principle" and added that the securing of this post for him would be "the best thing you can do towards Johnsonizing Middle Tennessee."[43] Regardless of his personal political ambitions at this point, Johnson failed to achieve his main purpose. Tennessee withdrew from the Union in mid-1861.[44]

Tennessee's desertion from the ranks of the Union left Andrew Johnson for all practical purposes a senator without a state to represent.[45] His continued loyalty to the Union cause, however, undoubtedly inspired Lincoln to call upon him to go to Nashville as military governor after Union forces had liberated portions of the state with victories at Fort Henry and Fort Donelson in February of 1862.[46] His assignment was to construct a loyal civil government in Tennessee and to restore that state as rapidly as possible to its proper relations with the Union.[47] As his chief aides, he selected Edward H. East (secretary of state), Joseph S. Fowler (comptroller), Horace Maynard (attorney-general), and

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[43]William S. Speer to Johnson, March 12, 1861, Johnson Papers.

[44]For particulars, see J. G. Randall and David Donald, The Divided Union (Boston, 1961), 184-86.

[45]Tennessee's other senator, A. O. P. Nicholson, withdrew from the Senate at the conclusion of the Thirty-sixth Congress. Biographical Directory, 172. Of the state's ten-man congressional delegation, only three served in the Thirty-seventh Congress (March 4, 1861-March 3, 1863), while all its seats in both the Senate and House were vacant for the duration of the Thirty-eighth Congress (March 4, 1863-March 3, 1865). Ibid., 175, 181.

[46]Randall and Donald, The Divided Union, 186, 202-4.

[47]Milton, Age of Hate, 108; Winston, Andrew Johnson, 222-23.

Edmund Cooper (private secretary and confidential agent.)[48]

The announcement of Johnson's appointment was followed immediately by correspondence requesting positions under his military governorship. While a few petitioners desired posts of considerable importance, others were much more humble in their requests. A former resident of the Nashville vicinity who had been driven from his farm asked for a clerkship in the Nashville post office "so that I can earn a living until I can fall back on my trade again."[49] Another wanted "some position in the gift of the government sufficiently remunerative to support a family."[50] A few coveted placement simply because of the adventure which they apparently felt would be involved. In that vein was a letter from a twenty-eight year-old clerk in the Capitol Bakery who wrote, "I want to go to Tennessee with you, I do not care in what capacity, so that I can only go."[51] A former resident informed the new governor that he had "a desire

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[48]Clifton R. Hall, Andrew Johnson, Military Governor of Tennessee (Princeton, N. J., 1916), 42. East later (1892) ran for governor of Tennessee as the Prohibition candidate and polled about 500 votes. Folmsbee, Corlew, and Mitchell, History of Tennessee, II, 161, 162n. Cooper, a former state representative and presidential elector, later served in the Thirty-ninth Congress and then as Assistant Secretary of the Treasury during the Johnson administration. Biographical Directory, 735. Fowler, a lawyer and teacher, played an especially active role in the reconstruction of the state government and then served in the United States Senate (1866-1871). Ibid., 910. Maynard, likewise a teacher and lawyer, served in the Thirty-fifth, Thirty-sixth, and Thirty-seventh Congresses (March 4, 1857-March 3, 1863) and later in the Thirty-Ninth and four succeeding Congresses. He was also postmaster-general during the last year of the Hayes administration. Ibid., 1280.

[49]George Gould to Johnson, March 3, 1862, Johnson Papers.

[50]W. P. Jones to Johnson, March 5, 1862, ibid.

[51]William H. Mitchell to Johnson, March 7, 1862, ibid.

to revisit my native Tennessee. I have considerable acquaintan[c]es with men and things in Middle Tennessee and could probably make myself useful."[52]

Upon assuming his duties, Johnson was advised by a prominent Tennessee lawyer and jurist, who like many other Unionists had been forced from the state, that a central element of his program must be to "place a Union man in every official position in the state, from the lowest to the highest."[53] In a proclamation addressed to the people of Tennessee on March 18, 1862, the governor made it amply clear that this was exactly what he intended to do. Positions in the state and county governments, he declared, would be filled by "persons of probity and intelligence, and bearing true allegiance to the Constitution and Government of the United States." Once these people had been appointed, their authority was to be "accordingly respected and observed."[54]

The state's new chief executive was not long in taking action. On March 25, 1862, he demanded that the Nashville mayor, Richard B. Cheatham, and the city council members take the oath of allegiance to the Union. When they refused to do so on the grounds that such an act was not required of corporation officials, Johnson removed them from office and replaced them with men loyal to the Union.[55]

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[52]R. S. Northcott to Johnson, March 8, 1862, ibid.

[53]R. J. Meigs to Johnson, March 15, 1862, ibid.

[54]Andrew Johnson, "Appeal to the People," Records, Office of Secretary of War, copy in ibid.

[55]Winston, Andrew Johnson, 225; Hall, Johnson, Military Governor, 42-43.

As the Nashville incident indicated, stauch and unswerving loyalty to the Union became the major prerequisite for holding office in Tennessee under Andrew Johnson. All offices were filled with such men.[56] When Johnson at last felt in March, 1864,that some local elections could be held he demanded that those voting take an extremely rigid oath in which they swore to uphold and defend the Constitution and promised to seek and work for the success of Union arms.[57] It has been charged that by making the oath so rigid Johnson deprived himself of the aid, advice, and influence of many undoubtedly loyal individuals. Johnson, however, having expeienced months of frustration and lack of co-operation, apparently was content to finish his work with the help of the few very dedicated people who had chosen to stand with him.[58]

Lincoln's military governor was determined to be the real authority in Tennessee and in this he had the full support of his superiors in Washington.[59] He was given virtually a free hand in Tennessee matters. One writer who had petitioned the War Department for an officer's commission in a proposed East Tennessee regiment told Johnson that he had been informed by his own father, who was in Washington at the time, that "every thing connected with such appointments, for Tennessee, had been

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[56]Winston, Andrew Johnson, 225.

[57]Jonathan T. Dorris, Pardon and Amnesty under Lincoln and Johnson: Restoration of the Confederates to their Rights and Privileges, 1861-1868 (Chapel Hill, 1953), 51.

[58]Hall, Johnson, Military Governor, 216-17. The process of restoration of civil government to Tennessee was not completed in fact until very shortly before Johnson took the oath as vice-president in 1865. Winston, Andrew Johnson, 241-42.

[59]Ibid., 238-39.

referred to you and that your recommendation would be necessary to obtain a commission."[60] A petition signed by several officers in Tennessee military units requesting the promotion of a fellow officer to the rank of brigidier general stated that the signees were asking Johnson to present the man's case to Washington "knowing as we do that the War Department looks to your recommendation alone for the promotion and advancement of Tennessee officers."[61] Another man wrote that he had called upon the president that day and "on your letter he gave me an order for an appointment."[62] According to one of Johnson's biographers, those who dared to oppose him were removed from the scene, including Generals Buell and Rosecrans.[63]

Although in a powerful position, Johnson apparently had no qualms about advising against the appointment of even a friend, if he felt that he was not qualified. Learning that John B. Rodgers wanted to become a federal judge for Tennessee, the governor wrote Maynard in Washington, "You know that my personal feelings toward him are kind, but am compelled to say that he has not the first qualification for the appointment and especially so at this time." To Lincoln himself, he declared, "Rodgers

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[60] E. C. Trigg to Johnson, April 28, 1862, Johnson Papers.

[61] W. C. Pickens and others to Johnson, January 30, 1864, ibid.

[62] James H. Woodard to Johnson, November 23, 1864, ibid.

[63] Winston, Andrew Johnson, 239. Winston probably was overstating the case because the major reason for the removal of the generals was apparently their inactivity as military commanders rather than clashes with Johnson.

is my personal friend, but he will not do for Judge at this time. I hope he will not be put upon us."[64]

As Johnson continued his efforts to restore Unionism in Tennessee, the 1864 presidential campaign began to occupy the North's attention. What appeared to many as a stalemated war had placed Lincoln's re-election in doubt. In an effort to add wider appeal to the Republican ticket, the party name was dropped in favor of the title National Union, and Lincoln began to search for a vice-presidential candidate who would be politically more appealing than Hannibal Hamlin. Having a well established Democrat from a border state would give the ticket more than a sectional appeal. Joseph Holt of Kentucky was being considered, but Andrew Johnson was also a prime possibility. A loyal Unionist who had fought secession in his own state, the latter always had been a friend of labor and possessed an admirable record as military governor. These considerations finally led Lincoln to select the Tennessean as his running mate.[65]

In accepting the 1864 vice-presidential nomination, Johnson made no secret of his Democratic convictions. After stating his firm Unionist sentiments, Johnson, in his concluding remarks, made an open appeal to

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[64]Johnson to Maynard, July 6, 1862; Johnson to Lincoln, July 6, 1862, Johnson Papers.

[65]Winston, Andrew Johnson, 254; Robert H. White, Messages of the Governors of Tennessee (7 vols. to date, Nashville, 1952-), IV, 507. Holt (1807-1894), a Kentucky jurist, had served successively under the Buchanan administration as commissioner of patents, postmaster-general, and secretary of war. An avowed War Democrat, he was made judge-advocate general by Lincoln in 1862. He later prosecuted the accused assassins of Lincoln. Mary B. Allen, "Joseph Holt," Dictionary of American Biography (22 vols., New York, 1928-1958), IX, 181-83.

his old party to stand fast to the task of preserving the Union. He declared:

> In accepting the nomination, I might here close, but I cannot forego the opportunity of saying to my old friends of the democratic party proper, with whom I have so long and pleasantly been associated, that the hour has now come when that great party can justly vindicate its devotion to true democratic policy and measures of expediency.[66]

With no deceptions as to his political stance, Andrew Johnson occupied the vice-president's position on the ultimately successful National Union ticket and then succeeded to the presidency following Lincoln's assassination, April, 1865. As his political career to that point testified, he was a Democrat of the Jacksonian stripe. In the realm of patronage, being of that persuasion meant a firm belief in the spoils system with its insistence upon such things as rotation in office, equal consideration of all men, and loyalty to party as an important qualification for office. As he assumed the duties of his new office there was nothing to indicate that Johnson believed otherwise.

At the same time, Johnson was also a decided individualist and tended at times to be inconsistent. Although he had followed the Democratic lead on major issues in the pre-war period, he had not always been a party man and had often found himself in opposition to the party leaders.[67] One of his antagonists later observed that party was

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[66]John Savage, The Life and Public Services of Andrew Johnson, Seventeenth President of the United States (New York, 1866), 300.

[67]Winston, Andrew Johnson, 26; Graf and Haskins, Johnson Papers, I, xxviii-xxix.

important to Johnson only in that it allowed him "to mount upon the shoulders of his followers and thus rise to power."[68] A more sympathetic observer has maintained that Johnson was a decided follower of Andrew Jackson and a dedicated Democrat, and that he never fundamentally changed his stance, although, like any astute politician, he did know how to modify details "to fit circumstances."[69]

Be that as it may, it was true that, despite an apparent adherence to the idea of party loyalty, he had labored as hard at times in the past to build a following loyal to himself as he had to further the Democratic cause. This may have been because, as in 1853 when he ran for governor against the wishes of the party leadership, he felt himself to be representative of the true Democracy, the party of the masses.[70] It may have been because, as in 1861 when he had served as Lincoln's chief patronage dispenser for Tennessee, he equated himself with something more important than party.

Whether or not one or both of the above was the case or his inconsistency was primarily because he merely desired to advance his own political fortunes by whatever means available remains very much open to

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[68]Temple, Notable Men, 380. One disappointed 1861 Tennessee office-seeker presented a similar view to Secretary of State William H. Seward. See Felix A. Reeve to Seward, April 16, 1861, Johnson Papers (original in National Archives).

[69]Abernethy, Frontier to Plantation, 310.

[70]In 1853, the Democratic leadership, largely drawn from the upper classes, had not favored Johnson's candidacy for the governorship. By way of mass meetings held in many counties, Johnson had illustrated his support among the common people and ultimately secured the party nomination. His subsequent victory at the polls in turn gave him control of the Democratic party in Tennessee. Ibid., 314-15, 317.

question. Jacksonian Democrat, ambitious individualist, or an enigmatic combination of both, Johnson now was faced with the complex problems of reconstruction. Not the least of these problems arose from the enormous federal patronage suddenly at his disposal, an inheritance which could prove to be either a great blessing or a terrible curse to his political future.

CHAPTER II

A TIME OF CONSENSUS

The initial reaction in the North to the sudden elevation of Andrew Johnson to the presidency was mixed. The mourning of northerners for their fallen leader was not to be alleviated by the gradual realization that, in the hour of triumph, a southerner had been thrust into the captain's position. The prevailing mood was thus one of sorrow mixed with apprehension, suspicion, and distrust.[1]

This atmosphere did not last long. Because he at first appeared as all things to all men, Johnson initially was able to command the support of factions which were essentially hostile to one another. To southern Unionists, he was one of their own. Northern Conservatives hoped he would soften his hard wartime stand and follow the lenient reconstruction policy which Lincoln had appeared to be following at the time of his death. Radicals expected him to lead their cause. Only former Confederates were fearful of what was to come.[2]

Among the first to rush to the support and aid of the new chief executive were the Radicals. Johnson's continued insistence that

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[1]Winston, Andrew Johnson, 299; Rembert W. Patrick, The Reconstruction of the Nation (New York, 1967), 26.

[2]Milton, Age of Hate, 181-82. The Radicals were so sure that Johnson was their kind of man that the attitude of at least some of them toward Lincoln's death was virtually one of rejoicing. Kenneth M. Stampp, The Era of Reconstruction, 1865-1877 (New York, 1965), 50-51.

secession was treason and that treason must be made odious was sweet music to Radical ears. In a letter endorsing Johnson's stance, Lincoln's first vice-president, although not of the Radical persuasion himself, sent to his successor some thoughts which reflected that attitude:

> We have no true men with us who are not delighted with your course. Adhere to your course . . . and you will be sure to make your Administration cherished and respected by all good men; and you will thus give it a place in history second to none other.[3]

Johnson's first oral pronouncements served both to reinforce Radical expectations and to offer a ray of hope to those who favored a more lenient policy. As the days passed, it became increasingly clear that the president had drawn a line between the secession leaders and those who had merely followed their lead. While continuing to insist that those in high authority had to be punished, he promised to the masses of southerners, who he believed had been deceived and misled, mercy, conciliation, and amnesty.[4]

As long as Johnson was able to refrain from any decisive policy moves, all went well, but such a situation could not continue indefinitely. On May 29, 1865, he issued two proclamations. One of them dealt with amnesty and, as the preamble stated, was a continuation of Lincoln's amnesty proclamations of December 8, 1863, and March 26, 1864. The stated purpose of the Johnson proclamation was "that the authority of the Government of the United States may be restored and that peace,

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[3]Hannibal Hamlin to Andrew Johnson, May 3, 1865, Johnson Papers.

[4]Milton, Age of Hate, 182-83.

order, and freedom may be established." Amnesty and pardon were granted to all who had "directly or indirectly participated in the existing rebellion" and who now would take a prescribed oath of allegiance to the Constitution and the Union. There were fourteen specific classes exempted from this generous grant, including civil and diplomatic and high ranking military officers of the Confederacy, Confederate governors, and those rebels with taxable property with an estimated value of more than $20,000. Those affected by these exemptions could receive pardon by special application to the president.[5]

The second proclamation of May 29 was issued in order "to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property." The state in question was North Carolina, and William W. Holden was appointed provisional governor. His duty was,

> . . . at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof.

Holden was given authority "to exercise within the limits of said State all the power necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal government." The proclamation also provided for the restoration of federal laws and courts, the re-opening of treasury

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[5]Richardson, Messages and Papers, VI, 310-12. For the Lincoln proclamations, see ibid., 213-15, 218.

and post offices throughout the state, and the appointment of men to fill these positions.[6]

William Woods Holden (1818-1892), the new provisional governor of North Carolina, had at one time been a Whig, but he became a Democrat after assuming editorship of the North Carolina Standard in the mid-1840's. Making that paper a Democratic journal of powerful influence throughout the state, he favored in the 1850's the doctrine of secession. In the late years of that decade he was defeated first for the governorship and then for the United States Senate. After supporting Breckinridge for the presidency in 1860, he served as a member of the state secession convention and voted in favor of such a move. Rapidly cooling toward the southern cause, he made an unsuccessful bid for governor in 1864 on an anti-Jefferson Davis ticket and then maintained silence until his appointment to office by Johnson in May, 1865.[7]

Within a few weeks and on the basis of the North Carolina reconstruction plan, President Johnson had appointed provisional governors for the remaining six heretofore unreconstructed states of the former Confederacy.[8] On June 13, William L. Sharkey (1798-1873) was designated

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[6] Ibid., 312-14. The loyal persons referred to in the proclamation were defined specifically to be those who could take the oath of amnesty and who were qualified as voters by North Carolina law in effect immediately prior to that state's withdrawal from the Union.

[7] J. G. DeR. Hamilton, "William Woods Holden," D. A. B., IX, 138-39; Hugh T. Lefler, History of North Carolina (2 vols., New York, 1956), I, 335, 349-50, 387-88; II, 484-85, 529-30, 536-38.

[8] Without formal declaration, the Johnson administration recognized as legitimate governments organized by Lincoln in Louisiana, Arkansas, and Tennessee. On May 9, 1865, Francis H. Pierpoint, who had claimed

to head the Mississippi government. A native East Tennessean who received some of his schooling at Greeneville, Sharkey had served under Jackson at New Orleans in the War of 1812. Moving to Mississippi, he was admitted to the bar in 1822 and served in the state legislature in 1828 and 1829. Elected in the early 1830's to the high court of errors and appeals, he served in that capacity for many years, while declining cabinet positions in both the Taylor and Fillmore administrations. A states-right Whig early in his political career, Sharkey gradually had modified his stand. Serving as president of the controversial Nashville Convention of 1850, he effectively worked to block attempts of southern extremists to gain control. By 1861, he was an active anti-secessionist and in 1863 took an oath of allegiance to the Union. Sent as a member of a commission appointed in the dying hours of the state's Confederate administration to negotiate with Johnson on Mississippi reconstruction, he subsequently received the provisional governorship appointment.[9]

On June 17, Georgia and Texas received their provisional governors in the persons of James Johnson and Andrew J. Hamilton respectively. A lawyer, Johnson (1811-1891) had served as a Unionist in the Thirty-second Congress but had failed in his reelection attempt. Prominently associated

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jurisdiction over a small portion of Virginia since the early days of the war, was recognized by executive order as that state's governor. William Archibald Dunning, Reconstruction: Political and Economic, 1865-1877, 36. For particulars on the development of the Virginia situation, see Randall and Donald, The Divided Union, 240-41.

[9]Charles S. Sydnor, "William Lewis Sharkey," D. A. B., XVII, 21-22; William C. Harris, Presidential Reconstruction in Mississippi (Baton Rouge, 1967), 17, 40-41.

with the Georgia Know-Nothings in the late 1850's, he had reluctantly followed Georgia into secession.[10]

A lawyer and native of Alabama, Andrew Jackson Hamilton (1815-1875) had been appointed attorney-general of Texas in 1849. Serving in the state legislature in 1851-1853, he entered Congress in 1859 where, as a Unionist, he labored to effect conciliation between North and South. Regarded as a traitor after the start of the war, he escaped from Texas by way of Mexico and went to Washington. Given the rank of brigidier general and made provisional governor of Texas by Lincoln, he spent most of the remainder of the war in New Orleans awaiting the chance to assume his position. Johnson, therefore, simply was reaffirming an earlier Lincoln decision in appointing Hamilton provisonal governor in 1865.[11]

The next state destined for a provisional government was Alabama, but by that time, Johnson's reconstruction pattern was clear and his mail began to contain some suggestions concerning gubernatorial appointments for the remaining states. According to one correspondent, the qualifications of William H. Smith for the Alabama post included not only his ability, integrity, firmness, and awareness of the evils of slavery, but also the fact that he had been forced from his home in 1863 because of his "unflinching adherence to the Union."[12] Two other correspondents

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[10] Biographical Directory, 1126; Ellis Paxson Oberholtzer, A History of the United States Since the Civil War (5 vols., New York, 1917), I, 34; "James Johnson," National Cyclopaedia of American Biography (49 and A-K vols., New York, 1893-), I, 227-28.

[11] Robert G. Caldwell, "Andrew Jackson Hamilton," D. A. B., VIII, 182-183.

[12] J. A. Stewart to Johnson, June 9, 1865, Johnson Papers.

admitted that their candidate for the place, John J. Seibels, had served for about a year as a Confederate colonel but also maintained that he had been firmly opposed to secession and had given in only after it was beyond his power to resist. Since the war, his name had become the "rallying point" for the Union men of Alabama.[13]

The appointment did not go to Seibels, but on June 21 one of the men pushing his candidacy did receive it. Lewis E. Parsons (1817-1895) had apparently devoted his efforts in the 1850's toward the preservation of the Union. As a delegate to the Baltimore convention in 1860, he supported Douglas as the Democratic candidate, and although he submitted to the verdict of the majority and followed Alabama into secession, he never gave wholeharted support to the Confederacy, despite the fact that he had two sons who served in its army.[14]

Johnson next turned his attention to the first of the states which had withdrawn from the Union, South Carolina. Several names for the provisional governorship had been suggested by his correspondents. A Buffalo, New York, writer, identifying himself as a native and long-time resident of South Carolina forced from that state by the war, recommended that Judge John Belton O'Neale or Benjamin F. Perry be selected for the post. Both of these men, he declared, had stood firmly for the Union until forced into silence "by the tyranny that made all individual effort

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[13] L. E. Parsons and Joseph C. Bradley to Johnson, June 10, 1865, ibid.

[14] Hallie Farmer, "Lewis Eliphalet Parsons," D. A. B., XIV, 268-69.

hopeless."[15] Four South Carolina citizens declared that William Aiken, James L. Orr, or Henry Brist would be "very acceptable."[16] Another name submitted was that of William W. Boyce, who was identified as being of the "very highest order of Statesmanship, fixed in purpose; conservative in sentiment; and truly loyal in feeling."[17] From these possibilities, Johnson ultimately selected on June 30 Benjamin F. Perry as the man for the task of reconstructing the bellwether state of the late conflict.[18]

An ardent nationalist, Perry (1805-1886) had opposed vehemently the policy of nullification in the 1830's. Defeated on three occasions for Congress, he frequently served in the state legislature in the period 1836-1862. While viewing secession as foolish, he had followed his state's lead and served in several Confederate offices.[19]

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[15] J. C. Thornton to Johnson, June 8, 1865, Johnson Papers.

[16] Augustin L. Taveau and others to Johnson, June 17, 1865, Augustin Taveau Papers (Duke University Library), copy in ibid.

[17] W. R. Robertson, James L. Orr, and others to Johnson, June 29, 1865, Johnson Papers.

[18] Exactly why Johnson chose Perry is not clear. Shortly after his appointment, Perry himself asked the president how he came to select him. According to the governor's biographer, Johnson simply replied, "I lived only one hundred and twenty-five miles from you, and of course knew all about you." Lillian A. Kibler, Benjamin F. Perry: South Carolina Unionist (Durham, N. C., 1946), 385.

[19] J. G. DeR. Hamilton, "Benjamin Franklin Perry," D. A. B., XIV, 483. O. P. Temple maintained that there was evidence that Johnson had worked for a short time in Greeneville, South Carolina, in his early life, and that while there he had met Perry, then a young lawyer, and had borrowed books from him. Temple, Notable Men, 357, 361. However, Perry's principal biographer gives no indication that such a meeting ever took place. See Kibler, Benjamin F. Perry.

The appointment of Perry to the South Carolina post left only Florida outside the process of reconstruction. Johnson's correspondents seem to have been agreed that William Marvin was the man for the situation. Several citizens of that state, in signing a letter requesting Marvin's appointment, presented him as one who had been "from the beginning and all along a steady unfaltering Union man."[20] Another group of petitioners agreed with this sentiment, viewing Marvin as an able selection because of his "exceedingly cautious and prudent temperament united with his great learning and acquirements together with his popular and pleasing manners, and his great private worth."[21] On July 13, Marvin became Florida's provisional governor.

A native of New York, William Marvin (1808-1902) had been appointed United States district attorney for the southern district of Florida by Andrew Jackson in 1835. After Florida's admission to the Union, Polk had appointed him judge of the district, an office which he held under the protection of United States forces until mid-1863, when he returned to New York City for the duration of the war.[22]

The men chosen to lead presidential reconstruction encountered two major difficulties during their respective terms of office, namely, their relationship with the military governors of their areas and the

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[20]H. W. Brooks and others to Johnson, July 5, 1865, Johnson Papers.

[21]A. A. Low and others to Johnson, July 6, 1865, ibid.

[22]"William Marvin," National Cyclopaedia, XI, 379; Oberholtzer, History of the United States, I, 35; Kevin E. Kearney (ed.), "Autobiography of William Marvin," Florida Historical Quarterly, XXXVI (January, 1958), 198, 207, 214-15.

appointment of loyal men to office. In the complex postwar situation, the War Department under the direction of Edwin M. Stanton in effect divided the regular Army into two separate forces. One was given the normal duties of the era: patrolling and maintaining order along the Mexican and Canadian borders, fighting Indians, and handling peacetime duties in the eastern areas; the other was stationed in the South, and it was this one which became very much involved in the political issues of the day.[23]

The provisional governments were among other things an attempt to combine military and civil administrations in the southern states. While the governors appointed by the president were laboring to restore loyal state governments, the military governors, appointed by Secretary of War Stanton and General-in-Chief U. S. Grant, were to command the military forces and to enforce martial law when necessary.[24] The problem, however, was that the exact function of the army in the presidential reconstruction process was never defined by either Johnson or the War Department.[25] In the proclamation of May 29, which organized the North Carolina government and also served as the basic formula for the other states, Johnson had described the role of military commanders as being

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[23]Harold M. Hyman, "Johnson, Stanton, and Grant: A Reconsideration of the Army's Role in the Events Leading to Impeachment," American Historical Review, LXVI (October, 1960), 86-87.

[24]Patrick, Reconstruction, 31; James E. Sefton, The United States Army and Reconstruction, 1865-1877 (Baton Rouge, 1967), 16-17.

[25]Harris, Presidential Reconstruction, 61.

one of assistance to the provisional governors and directed that they were "to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized."[26] The chief executive reinforced this in a telegram to Major General George G. Meade, the commander of the Division of the Atlantic, in which he made it clear that military officials were not to interfere with the work of Governor Perry in South Carolina unless Johnson himself specifically directed them to do so.[27]

In the absence of any explicit, positive instructions, clashes were to be expected. The sharpest one occurred in Mississippi over the touchy issue of organization of local militias. The last months of the war had witnessed a drift toward anarchy in that state and this continued to be the case after the coming of peace. Crime was rife throughout the state. Weak local governments, particularly in the interior, needed military assistance to maintain law and order, but the army generally was reluctant to take the initiative. Governor Sharkey thus received numerous pleas to do something about the lawless white groups operating in many areas, but his appeals for military aid were confounded by a scarcity of troops and the wholesale substitution of blacks for whites who were being rapidly mustered out of the service. This impasse in turn led to a lack of co-operation between the civil and military authorities and to racial tension and conflict.[28]

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[26]Richardson, Messages and Papers, VI, 313.

[27]Johnson to Meade, August 31, 1865, Johnson Papers.

[28]Harris, Presidential Reconstruction, 66-70.

White lawlessness and threats of Negro violence caused Sharkey to attempt to re-establish militia units in counties not being protected adequately by Federal forces. On August 17, 1865, he issued a proclamation calling for the organization of local militia units to aid in suppressing lawlessness and particularly urging former Confederate soldiers to enroll their acquired military talents in this task.[29]

The governor's action immediately aroused the suspicion and hostility of the military authorities. General Henry W. Slocum, commanding officer of the Department of Mississippi, ordered a cessation of organizational activities and informed the president of Sharkey's actions. Carl Schurz, a special presidential envoy who was touring the South on a fact-finding mission, happened to arrive on the scene at this point and sent a despatch to the chief executive supporting Slocum.[30]

President Johnson's initial reaction to Sharkey's activities was to advise against the move because of possible unfavorable reaction in the North, instructing him rather to rely upon the military for the necessary armed support to enforce law and order. Sharkey in turn wrote to Johnson outlining the reasons for his actions, and Johnson, in a dramatic reversal of his former stand, had an order issued to Slocum instructing him to allow the militia organization to continue. He then sharply reprimanded Schurz for his intervention in the affair, informing him that he was to aid in advancing the governmental policy in the South,

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[29] Ibid., 71-72.

[30] Ibid., 73; Eric L. McKitrick, Andrew Johnson and Reconstruction (Chicago, 1964), 193.

and allowed Sharkey to publish the rebuke on the questionable premise that it would increase southern confidence in the president.[31]

Although there were other conflicts of various kinds, the army on the whole sought to have peaceful contacts with the civil authorities. After surveying the relations between the military and provisional governors, one qualified student of the era has concluded that as of December, 1865, the South had definitely made progress toward rejoining the Union and that the army had assisted in this progress by enabling the interim governments to function effectively.[32]

The second major problem encountered in restoring loyal governments in the South concerned the matter of appointing loyal men to office. The secretary of the treasury and the postmaster-general had been instructed to select loyal local residents and, if such could not be found, to appoint persons from other districts or states.[33] These officials immediately encountered difficulties which were outlined clearly by Secretary of the Treasury High McCulloch in an extensive letter to Johnson in March, 1866. The major problem was finding officials who could take the loyalty oath required to hold federal position. McCulloch predicted continuing difficulty because of this point and the reason was obvious:

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[31]Harris, Presidential Reconstruction, 73-75; McKitrick, Andrew Johnson, 193-194; Sefton, Army and Reconstruction, 27-28; Johnson to Schurz, August 30, 1865, Johnson Papers.

[32]Sefton, Army and Reconstruction, 37, 59. In a chapter entitled "Working With (and Against) the Provisional Governors," Sefton gives an adequate survey of the problems which occurred during the period in question in the attempt to merge civil and military governments.

[33]Richardson, Messages and Papers, VI, 314.

> In the progress of the rebellion very few persons of character and intelligence in most of these States failed, in some way or other, to participate in the hostilities, or to connect themselves with the insurgent government. This is almost universally true of the young men who are expected to fill clerkships and other inferior places in the revenue service.

Yet the only alternative was to appoint outsiders to these posts. While admitting that the government could appoint northern men, McCulloch advised against such a move: "I deem it my duty further to remark that I do not consider it advisable for the government to attempt to collect taxes in the Southern States by the hands of strangers."[34]

Although the secretary probably was correct in his assumption, the fact still remained that, as the Nation concluded, the difficulty of finding qualified men in the South was "insurmountable."[35] One of the persons having trouble qualifying was the candidate for judge for the United States District Court in North Carolina. Robert P. Dick,

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[34]McCulloch to Johnson, March 19, 1866, Hugh McCulloch Papers (Library of Congress). The oath to which McCulloch was referring was the so-called Iron-Clad Oath which had been enacted by Congress in July, 1862. The latter part was a swearing of allegiance to the United States, but the first half was the strong part, "I, A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto." Walter L. Fleming, Documentary History of Reconstruction (2 vols., New York, 1950), I, 191-92.

[35]"Congress," Nation, January 11, 1866, p. 36.

Governor Holden's nominee, boldly stated the dilemma in a letter to the president:

> If I cannot hold office in North Carolina no one else can, who remained at home in the midst of the storm. . . . If I cannot hold office, then every federal appointment must be made from the Northern States. Nine tenths of our people are earnestly desirous of returning to the Union with their whole soul, --but foreign tax gatherers and northern judicial officers will necessarily greatly try their patience and retard the restoration of genuine fraternal feeling[.][36]

An accompanying letter from Holden asserted that William S. Mason, his nominee for United States District Attorney, was experiencing the same problem but that to bar such men from office meant the probable necessity of filling federal offices with outsiders.[37] Faced by such circumstances as these letters outlined, some of the cabinet members involved simply appointed men of ability regardless of their former sentiments and despite the fact that this was in defiance of an act of Congress.[38] Apparently, whenever possible, they selected people who were resident in each state to fill positions there, a practice that was continued even after Congress took control of southern reconstruction in early 1867.[39]

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[36]Dick to Johnson, June 29, 1865, Johnson Papers.

[37]William W. Holden to Johnson, June 29, 1865, ibid.

[38]Milton, Age of Hate, 249. It should be noted that Johnson, in less specific terms, had instructed the secretaries of state, interior, navy, and the attorney-general to resume their functions in these states. In so doing, they were bound to encounter some of the same difficulties as the secretary of the treasury and the postmaster-general.

[39]For evidence, see particularly the judiciary and treasury reports in the 1865 and 1867 editions of United States Register of Officers and Agents.

In filling local and state offices, the provisional governors met the same problems, and their solution was much the same. On July 20, 1865, Governor Parsons of Alabama issued a proclamation retaining those who were in office as of May 22, the date on which the Confederate state government had ceased to function. He further ordered that these officials were to take the oath of amnesty as provided in the presidential proclamation of May 29, and that those who could not were to surrender their places. He also reserved the right to remove anyone for "disloyalty or for improper conduct in office, or neglect of its duties."[40] Provisional governments in other states were organized in much the same fashion.[41]

Such tactics, however, caused many to complain that loyal Union men were being passed over in favor of former secessionists. By a circular telegram dated August 22, 1865, the president called these charges to the attention of his governors and requested their replies. Parsons denied that any Unionist had been neglected in favor of a secessionist and noted that he always tried to find a "reasonably qualified" Union man and, failing to find one, filled the office in question with those "least objectionable."[42] Sharkey of Mississippi felt that in a few minor instances secessionists "may have been accidently appointed, but never from design."[43] Holden likewise stated that such unintentional

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[40]Fleming, Documentary History, I, 174-75.

[41]Ibid., 174.

[42]Lewis E. Parsons to Johnson, August 24, 1865, Johnson Papers.

[43]W. L. Sharkey to Johnson, August 25, 1865, ibid.

appointments undoubtedly had been made in North Carolina, but, on the whole, such was not the case.[44] South Carolina's Governor Perry touched on a sore spot when he asserted:

> So far as I am concerned, all my sympathies are with the Union men but there are many now seeking office as Union men who were never heard of as such in the rebellion. Their latent Unionism has been brought to light by the hope of office.[45]

In a later note, Perry declared that in much of the state there existed a decided lack of Union men and noted that in this situation he had tended to favor those who were familiar with the duties of the respective offices, if they had taken the oath and had been pardoned. He cited the governors of Mississippi, Alabama, and Georgia as having followed the same course.[46] These replies and those of his other governors apparently satisfied the president because he did not choose to pursue the matter further.[47]

Apart from the appointment of provisional governors, Johnson, like Lincoln before him, had numerous other federal offices to distribute. In fact, the end of the war opened positions which Lincoln had not had

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[44] W. W. Holden to Johnson, August 26, 1865, Index to the Senate Executive Documents, 39 Cong., 1 sess. (2 vols., Washington, 1866), I, No. 26, 222. Johnson's telegram and several of the replies to it are reproduced in this source.

[45] B. F. Perry to Johnson, August 28, 1865, Johnson Papers.

[46] Perry to Johnson, August 29, 1865, ibid.

[47] For the other answers, see the following letters in the Johnson Papers: J. Johnson, September 2, 1865; A. J. Hamilton, September 23, 1865. For some reason, Governor Marvin of Florida apparently did not reply to the presidential query.

at his disposal and added to this was a reorganization of the army following the war which made available approximately two thousand regular officer places.[48] The Nation declared the amount of patronage at the disposal of the chief executive to be "prodigious" and affirmed that it had never been greater.[49]

The new president also discovered that he had a prodigious amount of advice as to what to do with this newly acquired power. Some urged that the president do nothing in their particular areas for the time being. Thurlow Weed, the prominent New York state political leader, observed to his friend and associate, Secretary of State William H. Seward, "We are all right in the State, and only need to be let alone."[50] Simon Cameron, Lincoln's first secretary of war and a key Pennsylvania figure, urged that no changes be made in Philadelphia, at least not until after the October elections. "It may be close," he noted, "and we cannot afford any disturbing elements in the contest beyond those that reconstruction will produce."[51]

There were others who wanted the president to make changes. Fearing some possible temporary congressional opposition to Johnson's reconstruction policy, Governor Oliver P. Morton of Indiana declared

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[48]Fish, Civil Service, 189.

[49]"Congress," Nation, January 11, 1866, p. 36.

[50]Weed to Seward, September 29, 1865, William H. Seward Papers (University of Rochester Library).

[51]Cameron to Johnson, July 21, 1865, Johnson Papers (original in National Archives).

that a "resolute wielding of your patronage in favor of your friends, inside the Union party, cannot fail to build you up with the people and disarm the opposition in Congress."[52] A New York newspaper man urged that Johnson consider War Democrats, "men after your own heart," in filling positions in New York.[53] John Cochrane, a Democrat who desired the lucrative position of collector of the New York Custom House, maintained that in considering candidates for the position, Johnson should appoint "the fittest and most capable person, who is your friend. Grind your own axe upon your own grind stone."[54] Parke Godwin of the New York Evening Post wrote to assure the president of his support and to urge that federal offices, particularly in New York,

> be filled by men who comprehend your own ideas in this respect. Young men, not identified in any manner with the old factions or cliques, but willing to do justice to all, accustomed to business, and capable of discerning and moulding the future, are the men now needed. Officials of this character will rally around them, from all the old parties, a powerful and enthusiastic support.[55]

Confronted with advice that might be well-intentioned or motivated by mere selfish ambition, the chief executive proceeded in a careful manner in dealing with patronage matters. Continuing well into 1866, the few pronouncements on this subject to groups or individuals were cautious, highly proper, and somewhat vague. In response to a telegram from one

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[52]Morton to Johnson, December 7, 1865, Johnson Papers.

[53]H. C. Page to Johnson, December 22, 1865, ibid.

[54]Cochrane to Johnson, February 4, 1866, ibid.

[55]Godwin to Johnson, December 25, 1865, ibid.

of his Ohio advisers concerning the truthfulness of a certain office-seeker, Johnson asserted grandly: "Our desire is to appoint good and honest men who are capable, faithful to the Constitution, and for the preservation of the Union."[56] To a committee representing the Virginia legislature, he maintained that in a state attempting to resume normal relations with the Union "all the responsible positions and places ought to be confined distinctly and clearly to men who are loyal."[57] The only clearly defined guideline which he set down came in an executive directive dated April 7, 1866, in which he ordered that, in filling federal positions and in making promotions, preference should be given to former soldiers and sailors who had served honorably. Those who had suffered wounds or who had other service-connected disabilities were to be given special attention.[58]

Such evidence as exists concerning Johnson's patronage policy in the early months of his presidency indicates that he consulted the normal sources of advice dictated by the spoils system in making his appointments, i.e., cabinet members, congressmen, governors, prominent state political figures. Apparently, the new president initially used the communication channels set up by his Republican predecessor. He soon would find this approach impractical as postwar national politics and

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[56]George W. Morgan to Johnson, May 31, 1866; Johnson to Morgan, May 31, 1866, ibid.

[57]Edward McPherson, The Political History of the United States of America during the Period of Reconstruction (Washington, 1880), 57.

[58]Richardson, Messages and Papers, VI, 439-40.

the 1864 National Union party came to be dominated by the Republicans, who in turn would fall overwhelmingly under the leadership of the Radicals, a faction which increasingly was dissatisfied with the new chief executive.

However, this turn of events was yet in the future. The one major problem in the Tennessean's early months in office was identifying those persons on the state level whose advice should be sought and followed. The key states of New York and Pennsylvania apparently presented the most difficulty for Johnson in this area. In New York, the question revolved around whether the Seward-Weed forces represented the element which should be entrusted with the patronage in that state. This faction had received a large share of the appointments in the state during the Lincoln administration;[59] but there were naturally opponents to this group and they made their presence known. John Cochrane, obviously deeply influenced by Dean Richmond, the Democratic boss in New York, wrote to Montgomery Blair, Lincoln's first postmaster-general and a key Maryland political personage, stating that the loyal Democrats of New York would unite with that faction of the National Union party opposed to Seward and Weed if one of their men was appointed to the New York collectorship. He strongly implied that the two, "who falsely assume

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[59]Carman and Luthin, Lincoln and the Patronage, 63-64, 245, 262, 279-80. Johnson, like Lincoln, apparently continued to follow generally the lead of this faction in New York throughout his administration.

conservatism," were not the true friends of Johnson.[60] Another correspondent recognized that the pair "largely controlled the wires" of the political organization, but he pressed the point that they did not control the "sentiments nor the judgments of the people" and cited as evidence of this the small majority returned by New York for the Lincoln-Johnson administration.[61]

In Pennsylvania, the question was whether to listen to the voice of Simon Cameron or the anti-Cameron forces headed by John W. Forney, editor of the Philadelphia Press, and Andrew G. Curtin, Pennsylvania's governor. As already noted, Cameron was urging a cautious approach. Curtin and Forney desired changes. The governor wanted the Philadelphia postmaster, C. A. Walborn, whom he charged with trying to undermine him, removed.[62] Forney, backing Curtin's effort, declared that his personal desire was to protect the president from "the influence of wrong counsels" and urged him to follow the lead of the Union members in Congress from Philadelphia, for to do otherwise "would be most unfortunate for the

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[60]Cochrane to Montgomery Blair, November 19, 1865, Johnson Papers. Blair, a former Democrat turned conservative Republican, forwarded the letter to Johnson on November 21. The leaders of the Radical opposition to Seward and Weed were New York Evening Post poet-editor William Cullen Bryant, Tribune reformer-editor Horace Greeley, attorney Hiram Barney, and prominent merchant George Opdyke. Barney was a son-in-law of the noted abolitionist and philanthropist Lewis Tappan and served as collector of New York from 1861 until he became a political liability to Lincoln and was forced from the position in 1864. Opdyke served as mayor of New York from 1862 to 1864. Carman and Luthin, Lincoln and the Patronage, 21-22; William Hartman, "Custom House Patronage and Lincoln," New York Historical Society Quarterly, XLI (October, 1957), 440-57 passim.

[61]Thomas J. Sizer to Johnson, December 18, 1865, Johnson Papers.

[62]Curtin to Johnson, June 22, 1865, ibid.

interests of the common cause."[63] The chief executive subsequently received letters from advocates of both camps, asserting that he was unwisely following the other.[64]

Also in line with the dictates of the spoils system, Johnson allowed relationship and friendship to guide some of his patronage policies during his early days in office. While stating his opposition to appointing relatives to office, he made his son Robert assistant secretary to the president and gave his brother William, who died shortly after he assumed the duties of the office, the position of surveyor of the port of Velasco, Texas.[65] At the request of one of his old East Tennessee cronies, Sam Milligan, he appointed Horace Maynard to the Board of Visitors to the Naval School at Newport.[66] He nominated Lewis D. Campbell, one of his Ohio political friends, as minister to Mexico,[67] while Joseph A. Wright, another Midwest political associate, became minister to Prussia.[68]

On the whole, President Johnson's first months in office must be considered a success, and this is nowhere more true than in his patronage

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[63]Forney to Johnson, July 5, 29, 1865, ibid.

[64]William A. Babcock to Johnson, August 15, 1865; A. B. Sloanaker to Johnson, November 2, 1865, ibid. Apparently Johnson initially followed the advice of the Forney element.

[65]Milton, Age of Hate, 232; Winston, Andrew Johnson, 292, 494; Graf and Haskins, Johnson Papers, I, 4n.

[66]Milligan to Johnson, May 12, 1865; Johnson to Maynard, May 16, 1865; Maynard to Johnson, May 19, 1865, Johnson Papers.

[67]Milton, Age of Hate, 141; William Seward to Henry Sanford, December 23, 1865, Seward Papers.

[68]Graf and Haskins, Johnson Papers, I, 146n.

policy. His appointments to the provisional governorships had been generally well received. Even the Radical Republicans, who became increasingly restive throughout the summer and fall of 1865 because of the rapidity of Johnson's reconstruction policy, accepted the president's provisional governor appointees at that time.[69] As the New York Times concerning this period later noted,

> In the choice of Provisional Governors, in appointments to subordinate offices, in the terms passed upon the Loyal legislatures, and in a hundred other ways, he exerted himself to secure expression and to impart authority to the loyal element. He selected men in whom, until lately, the Radicals found no fault.[70]

In sum, one scholar of the period asserts that, during the first months of Johnson's administration, he proved himself "a virtuoso of politics." While retaining wide support among moderate Republicans, northern Democrats, and the large majority of Southerners with his ambiguous and vague pronouncements on thorny reconstruction problems, he held appointments and removals at a minimum in order to keep from being identified with one particular element or another. "Had Andrew Johnson died in January, 1866," concludes David Donald, "he would have gone down in

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[69]Howard K. Beale, The Critical Year: A Study of Andrew Johnson and Reconstruction (New York, 1958), 39. Of Johnson's various gubernatorial appointments, Holden seems to have aroused the most opposition within the state to which he was appointed. For accounts of the mixed reaction concerning Holden see R. J. Powell to Johnson, October 21, 1865; H. M. Watterson to Johnson, June 29, 1865, Johnson Papers; James Roy Morrill, III, "North Carolina and the Administration of Brevet Major General Sickles," North Carolina Historical Review, XLII (Summer, 1965), 291. It is of some interest to note that of the seven men whom Johnson appointed as provisional governors, one, Holden, later declared in favor of congressional reconstruction, while two others, Perry and Parsons, were active participants in the pro-Johnson National Union movement of 1866.

[70]Editorial, New York Times, September 8, 1866.

our history books as one of our most politically astute Presidents."[71] The point is that he did not die and the political consensus which had prevailed up to that point was soon to disappear under the weight of the increasing complexities of reconstruction.

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[71]David Donald, The Politics of Reconstruction, 1863-1867 (Baton Route, 1965), 23-24.

CHAPTER III

FOR WANT OF A POLICY

The president was allowed a free patronage hand during his early months in office, but that situation soon changed. To understand why, one must briefly examine the 1865 positions of Johnson and Congress on reconstruction, the problem which was destined to become the central issue of the Johnsonian presidency.

The proclamations of May 29, 1865, contained the basic ideas of presidential reconstruction, and although his plan was somewhat ambiguous, the chief executive did have a policy and that was more than could be said for Congress, which was in recess at the time Johnson assumed office. Perhaps the new national leader should have called for a special session to deal with the problems of reconstruction, but even if he had done so, it is unlikely that Congress would have accomplished much because there was no general agreement among its members as to what should be done.[1] As it was, Johnson apparently hoped to achieve such an outstanding success with his reconstruction effort that the tide of public opinion would be in his favor by the time the national legislators met in December.

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[1]At least one recent authority on the subject of reconstruction argues that Johnson should have called Congress into special session. See Brock, An American Crisis, 29.

The president's position was enhanced by the fact that there were differences of opinion among Republicans as to the proper course to pursue concerning reconstruction. Moderation was the watchword of the majority of that party in 1865, and in dealing with the South, this meant compromise, tempering justice with mercy, and co-operation with the president's efforts to rehabilitate that region. The one point upon which they all generally agreed was that guarantees of some sort that the events of recent years would not be repeated at a future date should be exacted from the southern states as the price of their readmission to the Union. Because the chief magistrate had not indicated otherwise, they assumed that his policy was an experiment in this direction, that his mind was open to possible alternatives, and that no final decisions had been made. Prominent among the moderates were Senators William Pitt Fessenden of Maine, Edwin D. Morgan of New York, James W. Grimes of Iowa, John Sherman of Ohio, Lyman Trumbull of Illinois, and William M. Stewart of Nevada. In the House of Representatives were James G. Blaine of Maine, Henry L. Dawes of Massachusetts, James A. Garfield, John Bingham, and Rutherford B. Hayes of Ohio, and Elihu Washburne of Illinois. In the cabinet were Postmaster-General William Dennison, Attorney-General James Speed, and Secretary of the Interior James Harlan. On the state level, Governors Oliver P. Morton of Indiana and John A. Andrew of Massachusetts occupied moderate ground, as did such prominent nonofficial figures as the Reverend Henry Ward Beecher and editors George William

Curtis of Harper's Weekly and E. L. Godkin of the Nation.[2]

Those men who had become recognized as Radical Republicans, initially because of their opposition to Lincoln's experimental soft line toward the South, had no organization in 1865, and the only mutual bond which tended to unite them was suspicion that Johnson's lenient policy was courting disaster. Even that feeling was not universal among the Radicals, and a number of them were able to persuade themselves until well into 1866 that the president was sound in his stand and that he was the man they had considered him to be at the time he assumed the presidency. While such persons as Thaddeus Stevens, Charles Sumner, Ben Wade, Ben Butler, George Boutwell, and Henry Wilson began to be a little uneasy about the president's policy during the summer and fall of 1865, the only clear voice of Radical opposition at that time was that of Maryland congressman Henry Winter Davis--and he would be dead before the year was out.[3] In brief, the idea that some Radical plot against Johnson and his reconstruction policy was formed even before the reconvening of

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[2]McKitrick, Andrew Johnson, 77-79; Patrick, Reconstruction, 51-52; Brock, An American Crisis, 45. Actually, Dennison, Speed, and Harlan were probably about as close to the Radical camp as they were to the moderate. For pertinent comments concerning their respective positions, see Chapter V.

[3]McKitrick, Andrew Johnson , 54-64 passim; Patrick, Reconstruction, 51. Davis died on December 30, 1865, after having served as a Know-Nothing in the Thirty-fourth Congress and a Republican in the Thirty-fifth and Thirty-sixth Congresses. He failed in his re-election bid in 1860 but was elected to the Thirty-eighth Congress. He did not stand for re-election in 1864. Biographical Directory, 783.

Congress in December, 1865, appears to be incorrect.[4]

The one thing which virtually all Republicans were determined to see before agreeing to readmission of the former Confederate states to their full rights and privileges within the Union was a truly repentant South. Unfortunately, there was little evidence of such repentance as members of Congress met for the first session of the Thirty-ninth Congress. They were greeted by delegations from several of the southern states seeking admission as representatives of the southern people. Among them were nine former high-ranking Confederate military officers--four generals and five colonels--and many ex-civil officials. On the state level were governors and legislators who had faithfully served the Confederate cause. Many of the states were busy enacting the so-called Black Codes which were designed to deny the freedman any voice in the new state of affairs. Were these acts to be considered repentance? The Republican majority in Congress thought not and denied the southern representatives their seats. The Joint Committee on Reconstruction was organized to investigate presidential reconstruction and southern readmittance would have to await the outcome of that investigation.[5]

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[4]There were a few prominent Republicans who never were a part of either the moderate or Radical faction of the party. Among these were cabinet members Welles, McCulloch, and Seward, former Senators Thomas Ewing of Ohio and Orville Browning of Illinois, former Attorney-General Edward Bates, General William T. Sherman, and Senators James R. Doolittle of Wisconsin, Edgar Cowan of Pennsylvania, and James Dixon of Connecticut. They were for immediate readmittance of the southern states and would continue to support steadfastly Johnson and his restoration efforts. McKitrick, Andrew Johnson, 80-81.

[5]Patrick, Reconstruction, 60, 65.

President Johnson did not question the right of Congress to pass upon the qualification of its members, but he did not believe that Congress had any constitutional right to question the legality of the southern state governments which had been formed under executive direction.[6] In contrast, the Radical Republicans seemed to feel that reconstruction was properly the domain of Congress and resented what they considered to be presidential encroachment on that right. Most Republicans, however, while believing that the final reconstruction decisions must rest with Congress, apparently did not feel that the chief executive had acted improperly during the recess and did not consider themselves opposed to him during the early weeks of the session.[7]

February of 1866 proved to be the turning point for moderate Republican support of the Johnson administration. At that time, the president and Congress were deadlocked over the issue of the legality of the southern governments. Moderate Republicans desired to protect the persons and rights of the freedmen during this stalemate and an extension of the time and power of the Freedmen's Bureau, which had been created originally in March, 1865, to give aid and relief to former slaves and needy southern whites, seemed to be the best means to accomplish this objective. Senator Lyman Trumbull introduced the measure and it easily passed through Congress. Believing that Johnson saw the need to protect the freedmen, moderate Republicans confidently expected the president

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[6] Ibid., 63.

[7] Brock, An American Crisis, 97.

to sign the bill. Much to their surprise and dismay, he vetoed the measure on February 19, arguing among other things that, in the absence of the southern states, the right of Congress to legislate for them was questionable. The veto was sustained by one vote in the Senate, but it was to be the last on a major issue which would be allowed to stand.[8]

The president followed this move by making an intemperate speech to a large group of serenaders at the White House on Washington's Birthday. In it, he roundly condemned the Radicals for their obstruction of his reconstruction policy and singled out some of their leaders for particular mention. This tactic thoroughly alienated the Radicals and the two actions together proved something of a turning point for the moderates. From this time onward, they deserted the president's cause in increasingly large numbers. Johnson had succeeded in uniting the Republican party--against himself.[9]

Seeing the increasing hostility of the majority of the Thirty-ninth Congress, Johnson began to look forward to the congressional elections of 1866 in the belief that the people would sustain him at the polls by electing representatives friendly to him. One way of assuring a favorable result appeared to be through the use of the seemingly awesome powers of the federal patronage. There were more than 40,000

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[8]Patrick, Reconstruction, 66-67.

[9]Ibid., 69; Brock, An American Crisis, 106, 110-11. Trumbull had also introduced a Civil Rights Bill to protect the Negro once military forces were withdrawn from the South. Johnson's veto of this measure in March, 1866, was overridden in Congress and the moderates increased their desertion of him.

federal appointive positions scattered throughout the various departments of the government.[10] If these positions, or at least the key ones, could be filled with Johnson sympathizers, the outcome of the 1866 elections conceivably could be swayed greatly.

In his desire to appoint to office those whose loyalty to the Union was unquestionable, Lincoln had filled many federal positions, particularly the important ones, with those who came to identify themselves with the Radical cause.[11] As Congress, increasingly dominated by the Radicals, made it clear that presidential reconstruction was not acceptable, demands by Johnson proponents that federal offices be swept clean of Radical incumbents became ever greater. This pressure came from Democrats and Republicans alike. A New Hampshire Democrat, declaring that the president had Democratic support in that state "from principle, without hope or expectation of office," urged that Johnson make it known that "support of your policy is the condition on which they [Republicans] can hold office under your Administration."[12] From Nevada, a writer began his letter by announcing that federal patronage in that state was completely in the possession of those hostile to Johnson and warned that support for the president could not be sustained unless the situation were altered.[13] From San Francisco came a similar warning.

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[10]For more precise figures, see Introduction, footnote 27.

[11]Beale, Critical Year, 118; Carman and Luthin, Lincoln and the Patronage, 329-30.

[12]Edmund Beebe to Johnson, March 5, 1866, Johnson Papers.

[13]E. R. Chase to Johnson, March 22, 1866, ibid.

To receive support in that area, Johnson must not allow all of his patronage to remain in the hands of his "un friends, as it now is."[14] A Johnsonian friend and associate in Ohio, Lewis D. Campbell, had "reliable information" that "every Revenue Collector in Ohio except perhaps one or two, are bitterly opposing you. Your Assessors and Postmasters ditto."[15] From Hartford, a Gideon Welles correspondent informed the secretary that the president's appointments were being used in behalf of the Radical cause and called for the appointment of none but "open, earnest Johnson men."[16]

From friendly newspapers came much the same advice which the president was receiving through the mail. Typical was the New York Herald, under the direction of James Gordon Bennett. On April 23, he urged the removal of Radical officeholders and the bestowal of their posts upon Administration friends. The result of such a move would be "such a revolution by next fall that the radical disorganizers will be defeated in the election, and the Johnson party thus formed may hope to be the party of the future."[17] On April 25 came another appeal:

> Let the President . . . use all the legitimate means at his command, in the dispensation of patronage, to strengthen his position and encourage his supporters within the lines of the

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[14] J. McCormick to Johnson, April 21, 1866, ibid.

[15] Campbell to Johnson, April 25, 1866, ibid.

[16] Alfred E. Burr to Welles, June 10, 1866, Gideon Welles Papers (Library of Congress).

[17] New York Herald, April 23, 1866, cited by McKitrick, Andrew Johnson, 365.

> Union war party. The Johnson republicans everywhere, under this encouragement, can go into the Congressional contest with every assurance of success.[18]

Prodded by the urgent appeals of his supporters, Johnson apparently began to make a few removals, and reports of his actions soon began to reach members of Congress. A Peoria correspondent informed Illinois Senator Lyman Trumbull that the postmaster there, a "working Republican, radical, and a man who stands by Congress every time," had been replaced by Isaac Underhill, a well-to-do individual who associated with the Republican party only when he desired office.[19] From Cairo, Trumbull and his fellow Illinois Senator, Richard Yates, learned that Assessor Dewitt C. Barbee, a "good & true man," had been replaced by a man of "known Copperhead proclivities and associations."[20] Senator John Sherman was informed by the Circleville, Ohio,postmaster that there was a plot in the making to remove him from office and that every indication now existed that Johnson "means to coerce every Postmaster, and all other

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[18]New York Herald, April 25, 1866, ibid., 378. Johnson later was warned by a member of the Herald staff that he must either make some decisive moves in the direction being urged by Bennett or lose the support of the Herald because of Bennett's tendency to support what he considered the strongest position. W. B. Phillips to Johnson, May 20, 1866, Johnson Papers. As Phillips predicted, the president did lose the support of the newspaper in question when Bennett saw that the election tide was running against the president. See Phillips to Johnson, September 16, 1866, ibid.

[19]G. Martin to Trumbull, April 19, 1866, Lyman Trumbull Papers (Library of Congress).

[20]John Olney and others to Trumbull and Yates, May 3, 1866, ibid.

Federal officers, into the support of his policy, and in antagonism to that of Congress."[21] Remarking that several agents had been removed recently, as he understood, "upon express order of the President," a Columbus pension agent also conveyed to Sherman his fear of impending removal.[22]

Reports such as these to Trumbull and Sherman obviously were being received by their colleagues because, early in May, the Senate became locked in a serious discussion concerning the possibility of limiting the president's patronage powers. On April 30, Trumbull had introduced an amendment to a post office appropriation bill which would have had the effect of holding up salary payments to persons appointed during the recess of Congress until the Senate had confirmed their appointments.[23] The fiction was initially maintained that the amendment was being submitted to give uniformity to already established practice and that it had nothing to do with the feud between Congress and the President. As the debate progressed, however, tempers began to warm and the real issue came to the surface. In expressing his support for the Trumbull amendment, John B. Henderson of Missouri declared:

> I am not afraid to take my position on this subject. I have nothing to ask from the present Executive in the way of patronage; and I can safely express the opinion here that if I had the

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[21] W. H. P. Denny to Sherman, May 7, 1866, John Sherman Papers (Library of Congress).

[22] Joe W. Dwyer to Sherman, May 25, 1866, ibid.

[23] Excluded were appointments to vacancies which occurred as the result of death, resignation, or expiration of term. Cong. Globe, 39 Cong., 1 sess., 2274.

> President would not grant it. I am satisfied from various appointments that have been made in my own State, and from appointments that I understand are to be made in that State, that nothing I could say would have any influence whatever.[24]

Reporting on newspaper despatches that removals were in the wind, Senator Timothy Howe of Wisconsin professed his bafflement: "We are subsequently told that the ax is in motion. The ax is in motion for what? To hew down and appropriate the spoils to the victors? Who are those victors that are gathering in the spoils, and when and where did they achieve the victory?" He noted that the only victory that Johnson had achieved of which he knew had been that of 1864, when he was elevated to the vice-presidency. "If he has achieved a victory since then," Howe innocently declared, "I have omitted to read of it in the papers and I have not been informed of it in any way."[25] In response to a remark by Luke Poland of Vermont to the effect that he had no definite knowledge of presidential plans to make removals, Trumbull heatedly stated:

> But the Senator tells us he has no knowledge that the President designs making any removals. . . . Well, sir, I have some knowledge that removals are being made throughout the country. It is not proper to speak here of removals which have been made and are now pending in executive session; but if it was, I think I could bring to the notice of the Senator quite a number of cases. But, sir, outside of executive session, I have seen it stated in newspapers of the country that the marshal of the western district of Pennsylvania has been removed, that the collector of internal revenue in the district of Pittsburg has been removed, that the postmaster in Pittsburg has been removed. Sir, I have heard of a number of removals, which are also noticed in the papers of my own State. Yes, sir, I have heard of a letter written to a man holding an insignificant office in Illinois from one of the Departments, informing him that, having taken part in a meeting which passed resolutions sustaining Congress, he would have an opportunity to explain the matter. The Senator seems not to have heard of any of these things.[26]

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[24] Ibid., 2308. [25] Ibid., 2337. [26] Ibid., 2420.

One of the underlying currents of the debate and one especially irritating to the senators was the fact that many of them were not being consulted concerning impending removals in their respective states, while other people were. Henderson indicated his displeasure at this tactic in his speech of May 1. Henry Wilson of Massachusetts made it even clearer on May 8 in remarks concerning some events in New Jersey:

> Now what would you think of a letter written by a public officer to another public officer in New Jersey saying, "The Secretary of the Treasury directs me by the order of the President to say to you that you must remove a certain man in your employment, and in filling his place consult Mr. [James M.] Scovel?" It is well known and understood that Mr. Scovel struts over New Jersey claiming to control the public patronage in that State, and we have nominations before the Senate now of his dictation.[27]

The debate raged from April 30 to May 11 and during this period of time much the same ground was plowed concerning the president's right and power to remove as had been covered during the First Congress.[28] Throughout the debate, President Johnson had his supporters in the persons of such men as James R. Doolittle of Wisconsin and Reverdy Johnson

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[27] Ibid., 2452. In his speech, Wilson also recalled how he and several of his colleagues remembered that Scovel had been in Washington earlier bragging that he would elect a senator from New Jersey opposed to the president. Such was probably the case because Scovel was presiding officer in the upper house of the New Jersey legislature and held the deciding vote in the election of a senator to represent the state. Having been won to the Johnson cause by promises of controlling federal patronage in the state, he prevented a joint session of the legislature and thus the election of a man hostile to the administration. He later in 1866 deserted the Johnson cause to allow the election of a man who in 1868 would vote against Johnson in the impeachment trial. David Miller Dewitt, The Impeachment and Trial of Andrew Johnson (Madison, Wisconsin, 1967), 79, 158.

[28] Many of the same arguments would be heard once again the following year in relation to the passage of the Tenure of Office Act.

of Maryland.[29] There were also those who, while not necessarily favoring the executive cause, believed the amendment to be unnecessary because, as Senator Sherman put it, the president, in making removals merely to gain support for his policy, "would lose more votes by the exercise of a power of that kind . . . than he could gain. I do not believe that the power of appointment would affect political opinion in this country one iota."[30] Still, many others felt as Senator Howe did when he argued that to vote down Trumbull's amendment would cause the president to "think it justifiable to insist upon making vacant all places filled by those who do not sustain his policy and to supply their places by those who do."[31] The final vote taken on May 11 resulted in a 23 to 16 victory for those who opposed the Trumbull amendment and the issue of curbing the executive removal power was temporarily laid to rest.[32]

The entire episode concerning the Trumbull amendment was a kind of tempest in a teapot. The comments of the participants such as Henderson and Trumbull concerning removals of which they had heard made it appear that large numbers of removals already were being made. Indeed, the

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[29]On May 1, Johnson inquired as to the true purpose of the proposed amendment and then answered his own question by rather prophetically surmising that it must be to place before the Senate "some ground upon which the other branch of Congress may impeach the President of the United States." Cong. Globe, 39 Cong., 1 sess., 2310.

[30]Ibid., 2280. [31]Ibid., 2453-54.

[32]Ibid., 2559. The amendment originally passed the Senate on May 2 by a vote of 19 to 11 with 19 absent, but on the following day, Senator Poland, apparently encouraged by others, moved to reconsider the measure. There was some subsequent vote-switching on May 11 and 10 absences with the result of the defeat of the measure. See ibid., 2339, 2358, 2429.

Nation reported that the measure had been introduced because of the "many recent removals of postmasters, internal revenue collectors, etc. of the radical Republican order."[33] In reality, the entire affair apparently was inspired by fervent Johnsonians who had been warning federal officeholders that failure to subscribe to the president's policies would mean removal as soon as Congress adjourned rather than by actual widespread removals. The New York Times labelled the Senate's attempt to limit the chief executive's patronage powers "wholly unprovoked."[34] The hostile New York Tribune refrained from attacking Johnson for having actually made office changes, being content to "fervently trust that the President will do nothing calculated to widen the breach between him and Congress."[35]

As the debate over alleged presidential removals progressed in the Senate, Johnson adherents were doing more than merely demanding the purge of Radicals from public offices. There was increasing sentiment among such persons to organize a national movement to sustain the president's policy. In March, 1866, a National Union Club was organized in Washington under the leadership of Assistant Postmaster-General Alexander W. Randall for the purpose of supporting the Johnson administration. Such prominent conservative Republican figures as Thurlow Weed, Seward, Welles, McCulloch, Cowan, Dixon, Doolittle, and Browning backed the effort, and similar clubs sprang up in various parts of the

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[33]"Congress," Nation, May 1, 1866, p. 546.

[34]Editorial, New York Times, May 4, 1866.

[35]Editorial, New York Tribune, May 5, 1866.

nation.[36] By the late spring, a national organization was a definite possibility. In June, the call for a general convention was issued and the meeting took place in mid-August in Philadelphia. Amid a great deal of enthusiasm and excitement, the National Union party was launched.[37]

Following the Philadelphia convention, the pressure upon Johnson to purge Radicals from office became more intense.[38] Friends and advisers urged change and, as Johnson procrastinated in the days and weeks immediately after the convention, they must have felt as one Brooklyn writer who complained to Weed on August 24,

> We have had so many rumors of their [Johnson enemies] removal resulting in no official announcement of the fact, that many of your earnest supporters begin to doubt whether they will be removed at all, and so objectionable are they to every conservative, that many are becoming indifferent to the coming canvass.[39]

Perhaps even more illustrative of their attitude would have been the anguished cry of another individual in early August, "'How long, Oh Lord how long!'"[40]

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[36]Roy F. Nichols, "A Great Party Which Might Have Been Born in Philadelphia," The Pennsylvania Magazine of History and Biography, LVII (October, 1933), 361.

[37]McKitrick, Andrew Johnson, 403-17 passim; Milton, Age of Hate, 350-53 passim.

[38]Lloyd Paul Stryker, Andrew Johnson: A Study in Courage (New York, 1929), 329.

[39]Edward J. Lowber to Thurlow Weed, August 24, 1866, Thurlow Weed Papers (University of Rochester).

[40]Joseph H. Geiger (Columbus, Ohio) to Johnson, August 2, 1866, Johnson Papers. For examples of other pleas for the removal of Johnson enemies from office made in and around the time of the Philadelphia meeting, see the following letters to Johnson in his papers: George Bartlett (Binghamton, N.Y.), August 7; R. Emmet Monaghan (West Chester, Pa.),

Secretary McCulloch testified to the intensity of the pressure being placed upon the president to make changes in officeholders. In an August 22 letter to Senator William Pitt Fessenden, he declared that the demand upon the chief executive to make changes was so great "that it will be out of the question for me to save from decapitation all the Government officers in the first and second Districts in Maine."[41] To Elihu Washburne, an Illinois congressman, he wrote on September 14 that, while no revenue office changes had been made in Washburne's district to that point, the upcoming elections were causing such a stir that patronage moves were hard to resist.[42]

Johnson had either intentionally or inadvertently declared war on the Radicals on February 22 and it subsequently had blossomed into a struggle with Congress. Now, with a national movement sustaining him in this battle, the chief magistrate was almost compelled to give his supporters aid in the form of public offices. The New York Times reported that he had pledged such support to a New Hampshire delegation that had called upon him in the wake of the Philadelphia convention. It quoted the president as replying to their request for removal of officeholders opposed to him by stating that "we have now a policy and principles

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August 14; A. D. Rock (San Francisco), September 10; William J. Allen (Cairo, Ill.), September 21; G. Busteed (Boston), September 29; D. M. Leatherman (Paris, France), October 4, 1866.

[41]McCulloch to Fessenden, August 22, 1866, William Pitt Fessenden Papers (Library of Congress).

[42]McCulloch to Washburne, September 14, 1866, Elihu B. Washburne Papers (Library of Congress).

recognized and laid down by the most intelligent, able, and patriotic body of men that has been convened since the days of the Declaration of Independence." He then declared that those who received patronage from the government would have to adhere to the principles set forth at Philadelphia, since it was now "a duty the Administration owed itself that strength and power should be given to those who maintain the principles declared by that great body of national men."[43]

Whether or not the chief executive actually gave this pledge, the evidence seems to indicate that he still was hesitant to make office changes. This was undoubtedly true in part because there were certain problems connected with the use of patronage, particularly in the set of circumstances in which Johnson found himself, of which his fervent followers may or may not have been aware. One of the difficulties concerned the matter of how extensive removals should be. Should there be a general proscription of offices or only removal of key Radical figures? There were those who urged the former course upon Johnson, but others who advised caution. In a letter to a brother in Washington who had access to Johnson, Hugh Ewing, who had served as chairman of the Kansas delegation to the Philadelphia convention, neatly summarized the dilemma which faced Johnson nationwide when he remarked concerning those in Kansas who wanted wholesale removals: "They are too anxious to at once remove every Federal office holder in the state and are very injudicious in indiscriminately recommending successors . . . ."[44] In a letter to

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[43]News item in the New York Times, August 18, 1866.

[44]Hugh Ewing, H. S. Sleeper, and James L. McDowell to Thomas Ewing, Jr., September 11, 1866, Ewing Family Papers (Library of Congress).

McCulloch, Samuel J. Tilden, a key New York politician and future presidential candidate, warned against making indiscriminate changes, in that the giving of Federal offices as "mere personal benefactions . . . would be suicide on the part of the President and a betrayal of his supporters and his cause."[45] From Des Moines, John A. Kasson, who had served under Lincoln as first assistant postmaster-general, informed Montgomery Blair that a few specific changes could be made, but that wholesale removals would serve to create among the ousted "open working enemies, where now they are half-disposed friends."[46]

From experience with such removals as he already had made, President Johnson probably was aware of exactly what Kasson meant. The mail of many congressmen indicated the hostility which had been aroused by such attempts to turn Radicals out of office. One removed postmaster declared to Senator Lyman Trumbull: "I should have felt badly if it had been based on charges. I aimed to do my duty but all the Post Offices in Illinois could not buy me to the support of A Johnson."[47] One of John Sherman's correspondents commented that rightly or wrongly each person removed from office "now is rather looked upon as the victim of

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[45]Tilden to McCulloch, September 17, 1866, John Bigelow (ed.), Letters and Literary Memorials of Samuel J. Tilden (2 vols., New York, 1908), I, 203. Apparently foreseeing Johnson as the Democratic candidate for president in 1868, Tilden actively labored on Johnson's behalf during the 1866 campaign and attempted to build a coalition party of Democrats and Republicans in New York. Alexander C. Frick, Samuel John Tilden: A Study in Political Sagacity (New York, 1939), 153-55.

[46]Kasson to Blair, August 28, 1866, Johnson Papers.

[47]H. S. Thomas to Trumbull, May 19, 1866, Trumbull Papers.

Executive vengeance."[48] An officeholder, obviously expecting a Radical victory, informed his congressman that it would be "for my future advantage . . . to be turned out of the office I hold."[49] While requesting his representative to save his position for him if possible, an Ohio federal employee defiantly added, "Well if I must die I will die with my harness on [.] I will not desert my friends to hold any position. . . ."[50] Horace Greeley's anti-Johnson New York Tribune gave its assessment of the situation by declaring, "Our friends in office are very quiet and reticent. Kick them out, and they will be lively as skinned eels in hot vinegar."[51] Fessenden calmly gave much the same opinion to the secretary of the treasury: "Turning our friends out of office any where only unties their tongues, and intensifies the activity of energetic and influential men. If the President will do it to gratify such flunkies as Doolittle and Cowan, he must take the consequences."[52] That removals were not to be made lightly was a fact undoubtedly obvious to the president, if not to his followers.

Another problem involved in federal office distribution was the often conflicting advice which Johnson had to weigh in making patronage

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[48]N. S. Jones to Sherman, June 13, 1866, Sherman Papers.

[49]Frederick Brown to Elihu Washburne, June 19, 1866, Washburne Papers.

[50]Horace C. Beebe to James Garfield, July 26, 1866, James A. Garfield Papers (Library of Congress).

[51]Editorial, New York Tribune, July 18, 1866.

[52]William Pitt Fessenden to Hugh McCulloch, August 15, 1866, McCulloch Papers.

decisions. The more important the position, the greater the problem. An outstanding example of this fact can be seen in connection with the position of collector at the New York Custom House. Chauncey M. Depew, himself a disappointed candidate for that coveted post in 1866, later described its importance:

> It was a position of great political power because of its patronage. There being no civil service, the appointments were sufficiently numerous and important to largely control the party in the State of New York, and its political influence reached into other commonwealths. It was an office whose fees were enormous, and the emoluments far larger than those of any position in the country.[53]

Twice within a period of a few months, Johnson had to make an appointment to this key position. In August, 1865, he had selected for that office a personal friend, former New York Senator Preston King, a Democrat turned Republican and acceptable to the influential Weed-Seward combination. In November, King, either by accident or design, fell from a ferryboat into New York harbor and drowned.[54] Following this tragic death, various New York factions began to push their candidates for the

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[53]Chauncey M. Depew, My Memories of Eighty Years (New York, 1922), 46.

[54]Whether King's death was an accident or suicide is open to question. James G. Blaine later charged that King was in reality a Radical whom Johnson wanted to remain conservative. Caught in the middle between his personal friendship with Johnson and his convictions that to remain in office was to forfeit the good will of the many who had faith in his integrity, he decided to commit suicide. "From the anguish which his sensitive nature could not endure," Blaine later explained, "he sought relief in the grave." James G. Blaine, Twenty Years of Congress: From Lincoln to Garfield (2 vols., Norwich, Connecticut, 1886), II, 187. For particulars concerning King's appointment, see John H. and LaWanda Cox, Politics, Principle, and Prejudice, 1865-1866: Dilemma of Reconstruction America (Glencoe, New York, 1963), 68-70.

now vacant position. War Democrats favored either General A. Dix or General John Cochrane, both Democratic Johnson supporters in New York. Prominent regular state Democrats--such men as S. L. M. Barlow and Dean Richmond--favored either Sanford E. Church, a McClellan Democrat who nonetheless had supported the war, or Judge William D. Shipman, a Connecticut Democrat. Other possibly acceptable candidates of the New York Democracy were John Van Buren, Martin Van Buren's son and a prominent party strategist, and General Henry W. Slocum, who had been the unsuccessful Democratic candidate for governor of New York in 1865. Both regular and War Democrats definitely opposed the appointment of a Weed-Seward man, and both sought the support of presidential adviser Montgomery Blair.[55]

The Weed-Seward forces had ideas of their own. This faction included not only the secretary of state and the prominent New York Republican political boss, but also such figures as Senator Edwin D. Morgan and New York Times editor Henry J. Raymond, who was at that time also the leader of Johnson Republicans in the House of Representatives. This combination favored H. H. Van Dyck, who like King was a Democrat turned Republican, but they also had a number of other acceptable candidates to suggest. Weed initially would have accepted a War Democrat such as Colonel Henry G. Stebbins, a former congressman, but after Johnson's veto of the Freedmen's Bureau Bill and his February 22 speech, he hardened his position on the grounds that any Democratic appointment

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[55] Ibid., 113-17. Blair himself favored the regular Democratic cause and urged this course upon the president. Ibid., 116.

would be taken by Johnson's opponents as evidence that he had deserted the Union party. A March 16 conference between Weed and upstate Democratic boss Richmond resulted in a compromise candidate in the person of DeWitt Littlejohn, a former Republican speaker of the state legislature. By this time, however, Senator Morgan was favoring Chauncey Depew, former New York secretary of state, a possibility which Weed somewhat reluctantly endorsed.[56]

Outside influences also were brought to bear upon the harried chief executive. Senator James Dixon of Connecticut, one of the few strong Johnson Republicans yet remaining in the Senate, was pushing the cause of Judge Henry E. Davies of the New York Court of Appeals. Davies was a Republican of doubtful loyalty, but even more important, generally was considered anti-Weed. By March, Secretary McCulloch was also favoring Davies, and despite efforts of both Morgan and Van Dyck to discredit him, Davies appeared to be Johnson's favorite. To make matters worse for the Seward-Weed faction, when Congress in April overrode Johnson's veto of Trumbull's Civil Rights Bill, both Senator Morgan and Representative Theodore M. Pomeroy, the congressman from Seward's home district, voted for the measure. Montgomery Blair, a consistent Seward foe, promptly presented this turn of events as evidence of Seward's disloyalty.[57]

By late March, yet another man was being urged for the coveted position--Henry A. Smythe, president of the Central National Bank of the City of New York and a presumed Republican possessed of an uncertain

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[56] *Ibid.*, 118-21.

[57] *Ibid.*, 121-23.

political past. Charles Halpine, a War Democrat and editor of the New York Citizen, urged Smythe's appointment on the grounds that he would find wide acceptability. He further assured the president that Smythe's only concern would be "to find out your wishes & do all in his power to advance your interests by the political influence of the Custom House."[58] Another Smythe advocate, Robert J. Walker, a former Mississippi senator and now a close banking associate of Smythe, presented his candidate's appointment as necessary in order to make the state of New York "certain for the Union policy."[59] Senator Johnson of Maryland assured the chief executive that Smythe's appointment would be certain of acceptance by the Senate, and the fact that he was a well-known businessman would make him acceptable to the merchant class with which a collector must deal.[60] Yet another prominent figure who was pushing Smythe's candidacy was William S. Huntington of Jay Cooke and Company.[61]

In mid-April President Johnson announced Smythe's appointment as collector. Weed earlier had urged upon his colleague in the cabinet the importance of a Republican's being appointed to the position in order to

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[58]Charles G. Halpine to Johnson, March 21, 1866, Johnson Papers.

[59]Walker to Johnson, April 14, 1866, ibid. By this statement, Walker apparently meant that Smythe would work for Johnson's policy. In an earlier communication, he had presented Smythe as a Republican Johnson supporter. Walker to Johnson, March 30, 1866, ibid.

[60]Reverdy Johnson to Johnson, April 15, 1866, ibid.

[61]Cox, Politics, Principle, and Prejudice, 125.

assure Republican ascendency in New York.[62] Therefore, while Smythe was not the choice of the Weed-Seward group, he undoubtedly was preferable to either Davies or a Democrat, and Weed worked for his confirmation.[63]

By appointing Smythe, the president had made it clear that he intended to determine his own patronage policy. As Senator Morgan wrote to Weed in early May concerning Smythe's confirmation: "I shall vote for him and make the best of the appointment. It is the President's appointment."[64] There are, however, always problems in charting one's own way, and perhaps the biggest problem which the chief executive encountered in deciding his own patronage course was what to do about professed Democratic support. Being out of power, the members of that party were eager to give support to Andrew Johnson, a former Democrat whose southern policy promised a rapid restoration of the South to the Union and thereby a rebirth of the power of the Democracy. The problem for Johnson was that, while the party had had its faction (War Democrats) which actively had supported the Union cause during the war, it also had had another group (Copperheads) which just as actively had worked for a negotiated or

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[62]Weed to Seward, February 28, 1866, Seward Papers. By this declaration, he meant conservative Republican ascendancy.

[63]Cox, Politics, Principle, and Prejudice, 125.

[64]E. D. Morgan to Weed, May 5, 1866, Weed Papers. Smythe's appointment generally was received quite well. As the Nation declared concerning the new collector: "He is beyond question an honest man, and has had no training in the working of party machinery, and will therefore, if let alone, make the New York Custom House a credit to the country, which it can hardly be said to be at present." "Topics of the Day," Nation, May 14, 1866, p. 609.

compromise settlement with the South. This effort branded them as traitors in the minds of true Union supporters, and at the same time led many, particularly Radical Republicans, to equate the view of the entire Democratic party with that of the Copperheads.[65]

Under these circumstances, Johnson could not afford to encourage or accept Democratic aid without laying himself open to charges that he was consorting with traitors and that he, like President Tyler in the 1840's, was deserting the party which had placed him in power.[66] Yet the Democrats, without repudiating their extreme Copperhead wing, were determined to support him. Despite the efforts of such conservative Republican leaders as Doolittle, Cowan, Dixon, and Raymond to prevent it, the Democrats dominated the Philadelphia convention and took charge of the National Union movement. The extremism created by the war which called into being such creatures as Copperhead Democrats and Radical Republicans would not allow the establishment of a conservative, middle-of-the-road party in 1866.[67]

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[65]The majority of the Democratic party had aligned themselves in one degree or another with the Copperhead sentiment. Thus, there was a tacit willingness by many Democrats to allow Radicals, whom they in turn equated with the entire Republican party, to brand them as Copperheads. McKitrick, Andrew Johnson, 409-10.

[66]Cox, Politics, Principle, and Prejudice, 110.

[67]McKitrick, Andrew Johnson, 405-17 passim. On the eve of the New York elections, the Times predicted that Johnson's cause would be defeated. It would not be because the president's policy had been unsound: ". . . it will be due, in a very large degree, to the fact that this policy has become identified, in the public mind, with the Democratic Party and the secession sentiment in the South--and that its success at the polls involves the return of the Democratic Party, as organized and directed during the war, to place and power. . . . The

Having been unable to prevent a Democratic take-over of the National Union movement, Johnson's conservative Republican supporters could not stop a Democratic effort to obtain public offices. Johnson had been plagued with this problem before the convention and it became worse afterward.[68] Under continuous pressure, he apparently weakened and either willingly or unwillingly appointed some Democrats to office.[69] This move quite naturally called forth unhappy comments from Republicans. Senator Fessenden warned Secretary McCulloch:

> Sweat, the Copperhead Candidate For Congress in this Dist. with others of his kidney, will probably try to persuade Mr. Johnson that if he can control the offices in this Dist. he can be elected, and will support him. Let not the President be deceived. Sweat is totally untrustworthy. We shall whip him to

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issue is between these two parties. There is no National Union organization in the field; there are no candidates representing the National Union movement. The Philadelphia Convention has disappeared from the contest." Editorial, New York Times, October 8, 1866.

[68]The papers of John Sherman contain many letters charging that Copperheads were being appointed or attempting to be appointed to office at least as early as May and June, 1866. An examination of this collection therefore illustrates the situation which Johnson faced even then. See as examples the following letters to Senator Sherman: C. N. Locke, May 28; W. P. Nixon, May 28; C. S. Pyle, June 12; James Lewis and others, June 22.

[69]The Radical-oriented Nation observed at one point after the elections that the president "still makes removals and appointments in the interest of the Democratic-Conservative party." "The Northern Elections," Nation, November 15, 1866, p. 390. During the campaign's course, the hostile New York Tribune noted the recent removal of an unquestionably loyal New York postmaster with many relatives who had served the Union faithfully during the war. "So Mr. Johnson swings round his circle," that organ sarcastically concluded, "rewards loyalty and makes treason odious." Editorial, New York Tribune, September 25, 1866. Even the Times, whose editor had been one of the principal figures at the Philadelphia convention, was forced to warn "the authorities at Washington" that every Democratic appointment did "far more harm than ten good ones can remedy." Editorial, New York Times, October 6, 1866.

> death with ease, and all the worse if the President makes a change in the offices.[70]

Again, on August 29, he commented, "I can only regret that the President finds himself compelled by his unfortunate complications with bad men to remove faithful & competent officers, and to fill their places with copperheads and flunkies. He must take the consequences."[71] A Weed correspondent, while declaring his loyalty to Johnson's cause, dejectedly commented concerning the appointment of a Copperhead postmaster: ". . . if the good Union men who has [sic] stood by the Country in its hour of Pearil [sic] are to be put [to] one side to make room for Copperheads then I do not know what to say. It will be poor encouragement to fight under such circumstances."[72] Another New Yorker, while recognizing the necessity of removing Radicals from office, denounced the replacement of loyal persons by Copperheads: "Every Loyal man removed to make place for Copperhead Democrats, only excites to action the party displaced & his friends while before they were disposed to be friendly."[73] A California man informed Secretary Seward that "to put old Copperheads into office because their present professions are sound must utterly destroy all hope of securing popular consideration of the logic of the Executive whose practice is so distasteful to the masses."[74] An exasperated New

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[70]W. P. Fessenden to Hugh McCulloch, August 17, 1866, McCulloch Papers.

[71]Fessenden to McCulloch, August 29, 1866, ibid.

[72]Aaron Roggen to Weed, August 30, 1866, Weed Papers.

[73]George W. Ernest to Weed, October 2, 1866, ibid.

[74]James W. Simonton to William H. Seward, September 25, 1866, Seward Papers.

York writer cried, "We cannot stand this, Mr. Seward, the removal of any more loyal men for Copperheads to take their places."[75] In appraising the New York situation in late October, Thurlow Weed perhaps unknowingly summarized the paradox into which Democratic support had led President Johnson, "In many cases where unwise appointments have been made the lines are drawn between loyal and disloyal men, with, unhappily, the disloyal portion in favor of the President."[76]

While thus wrestling with complex patronage problems which perhaps only he alone fully understood, Johnson made matters worse for himself. Realizing that if he followed usual patronage practices, the spoils of office lay at the disposal of the Radicals, he proceeded to deviate from the normal channels of patronage, relying rather upon close friends and associates for advice. As one of his biographers has noted, these men were neither southerners, nor rebels, nor Copperheads, as the Radicals charged, but were conservative Republicans, many of whom had been close to Lincoln. They were men like Seward, Welles, McCulloch, Browning, Cowan, Dixon, Doolittle, the Thomas Ewing family of Ohio, and the Francis P. Blair family of Missouri and Maryland.[77] The best documented example of what this reliance meant as far as patronage matters were concerned occurred in the instances where Johnson apparently allowed Doolittle a voice not only in Wisconsin appointments but also in those in neighboring

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[75]Elihu G. Cook to Seward, October 15, 1866, ibid.

[76]Weed to Seward, October 27, 1866, ibid.

[77]Winston, Andrew Johnson, 327.

Illinois.[78] Such a willingness to allow personal advisers to have a hand in determining patronage moves, particularly in states not their own, was not calculated to ingratiate Johnson on Capitol Hill, regardless of the political professions of the men involved. Some remarks made during the debates on the Trumbull amendment were illustrative of the discontent felt in Congress concerning this practice.[79]

In addition to relying upon men such as these for advice concerning patronage matters, Johnson also resorted to the use of private agents who reported directly to him. One such person was Dan Rice, a famed circus clown who had a deep interest in politics. Over the course of two months, he recommended that several federal officeholders in western Pennsylvania and New York be removed and suggested possible replacements.[80] Another presidential spy was located in New York's Third District (Brooklyn) and forwarded information from there to the chief executive upon "your request to me to keep you advised of your friends in office and your enemies."[81] Yet another informant apparently was sent to study the patronage situation in the South. An anguished treasury official stationed in Florida complained to his congressman that B. C.

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[78]See Anson S. Miller to Lyman Trumbull, June 13, 15, 17, July 6, 1866; Trumbull to Miller, June 18, 1866; Trumbull to Jason Marsh, June 21, 1866; Marsh to Trumbull, June 26, July 16, 1866, Trumbull Papers; Miller to Elihu Washburne, June 20, 1866, Washburne Papers.

[79]See particularly comments of Henderson and Wilson. The Scovel affair which came to light during these debates also might be cited as a deviation from normal patronage practices in the sense that promises seemingly were made to him which ignored the accepted role of concerned congressmen. See above, footnote 27.

[80]Rice to Johnson, June 1, 23, July 31, 1866, Johnson Papers.

[81]F. O'Byrne to Johnson, April 16, 1866, ibid.

Truman, Johnson's private secretary and also a New York Times correspondent, was in his area boasting that he had the influence to "set up or knock down just whom he pleases."[82]

As the 1866 congressional campaign neared its conclusion, President Johnson seemed determined to make sweeping patronage changes. Such was the tone of his remarks during the latter part of his famed "swing around the circle." In Cleveland on September 3, he railed against "this gang of office-holders, these blood-suckers and cormorants," assailed congressional attempts to limit his patronage power, and stated his thinking to be that the time had arrived "when those who had enjoyed fat offices for four years should give way for those who had fought for the country."[83] In St. Louis on September 8, he asked how those who had "enjoyed the emoluments of office long enough" were to be removed from office "unless your Executive can put them out, unless you can reach them through the President?" He then answered his own question by declaring,

> Well, let me say to you, if you will stand by me in this action [cheers], if you will stand by me in trying to give the people a fair chance . . . to participate in these offices, God being willing, I will kick them out. I will kick them out just as fast as I can.[84]

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[82] D. Richards to Elihu Washburne, June 7, 1866, Washburne Papers.

[83] McPherson, Political History, 136.

[84] Ibid., 140. For a discussion of the press's attitude toward Johnson's swing around the circle, see Gregg Phifer, "Andrew Johnson versus the Press in 1866," East Tennessee Historical Society's Publications, XXV (1953), 3-23.

That wholesale removals was not Johnson's final decision was testified to by the fact that in late October a cabinet member still could tell a prominent New York politician that the president felt that, "in making changes, the greatest care should be exercised."[85] He followed this declaration by noting that some appointments had been held up because his chief desired "to make as few changes as possible, and none on political grounds unless it is clear that the interests of the service or the interests of the administration are to be certainly benefited by them."[86] In the final analysis, there was apparently not a great change in the chief executive's patronage moves after his return from the "swing." Although the number of changes varied greatly from locality to locality, Johnson's actions in September and October, 1866, were not those of a man bent upon general proscription. It cannot be denied that he intensified his patronage activities from August onward, but the Radical declarations concerning massive removals constituted an obviously successful attempt to stampede the loyalties and votes of federal office-holders and their friends in the Radical direction.[87] The Senate finally had to deal with some 526 removals out of an approximate 2500

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[85]Hugh McCulloch to Samuel J. Tilden, October 22, 1866, Bigelow, Tilden Letters, I, 206.

[86]McCulloch to Tilden, October 26, 1866, ibid., 207.

[87]An excellent example of the inflammatory nature of Radical comments concerning the president's use of the patronage appeared in the New York Tribune concerning the upcoming Radical-oriented soldiers convention: "That Mr. Johnson has issued orders to decapitate all soldiers who attend the Pittsburg Convention is stated on good authority [source not indicated]." Editorial, New York Tribune, September 22, 1866.

presidential positions.[88] Apparently, little patronage aid was forthcoming for those who had attended and supported the National Union movement.[89] In sum, as one student of the period has noted, Johnson's removals prior to the 1866 elections were anything but "free and indiscriminate."[90] Indeed, according to a leading authority on presidential removals, of an estimated grand total of 2669 presidential civil service officers, Johnson, during his entire administration, removed approximately 903. By way of comparison, Lincoln removed 1095 of an estimated 1520, while Buchanan made 458 changes from about the same number in following an administration of his own party. The Harrison-Tyler administration's record was 458 of an approximate 924.[91]

The 1866 congressional elections resulted in a landslide victory for the Radical Republicans and a corresponding humiliating defeat for

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[88]For an office-by-office count, see Appendix I. The period involved is December 3, 1866, to April 20, 1867 and thus undoubtedly includes removals made well after the congressional elections and perhaps not in connection with them. Two estimates made by senators friendly to Johnson during Senate debates on the extent of 1866 removals were 446 out of 2434 and 440 out of 2450. Cong. Globe, 39 Cong., 2 sess., 492, 1517.

[89]In the weeks following the convention, Johnson received a number of letters indicating that the correspondents felt that there was a lack of patronage support for the National Union movement. As examples, see the following letters to him in the Johnson Papers: Bion Bradbury (Washington, D.C.), August 24; David Wilkin and others (Carson, Nev.), August 27; William J. Allen (Cairo, Ill.), September 21; J. G. Abbot (Boston), September 29; John N. Cochran (Washington, D.C.), October ?; Charles Knap (Washington, D.C.), October 27; S. S. Henkle (Washington, D.C.), October 28. The original of the Wilkin letter is in the National Archives.

[90]Oberholtzer, History of the United States, I, 438.

[91]Fish, "Removal of Officers by the Presidents," 77, 81-83.

the president. Johnson's actions in the hectic weeks and months preceding this outcome seem to indicate that he never developed a definite patronage policy. If he ever had one in mind, he apparently did not reveal it to those friends and associates who subsequently left written records for posterity.[92] This close-mouthed approach led at least some of his contemporaries to charge that he had failed properly to use his executive powers and that he was indecisive. In an August 25, 1866, diary entry, crusty Gideon Welles lamented the fact that Johnson had not acted more promptly. "His delay and the activity of the Radicals," grumbled the secretary of the navy, "have weakened his cause. . . ."[93] With the advantage of some twenty years hindsight, James G. Blaine commented,

> The wonder in the political world was, that the President had not resorted to this form of attack more promptly, and pursued it more determinedly. His delay could be explained only by what was termed his talent for procrastination, and to a certain indecision which was fatal to him as an executive officer.[94]

Although the most recent tendency has been to debunk the idea that proper use of patronage would have helped Johnson greatly,[95] that generation of historians which sympathized with the seventeenth president

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[92]One of Johnson's cabinet members later commented, "Naturally distrustful, he gave his confidence reluctantly--never without reserve; he had therefore few constant friends." McCulloch, Men and Measures of Half a Century: Sketches and Comments (New York, 1888), 405. In commenting on much the same subject, Welles noted, "Many of his most important steps have been taken without the knowledge of any of his Cabinet, and I think without the knowledge of any person whatever." Howard K. Beale (ed.), Diary of Gideon Welles (3 vols., New York, 1960), III, 190.

[93]Ibid., II, 587.

[94]Blaine, Twenty Years of Congress, II, 267.

[95]For examples, see McKitrick, Andrew Johnson, 379; Brock, An American Crisis, 163-65.

felt forced to come to much the same conclusion concerning his use of the system as had his contemporaries. Thus, Beale cried, "But Johnson did nothing to meet the situation until the fall of 1866 when it was too late."[96] Milton wrote of his "faulty judgment," of his attempt to change his patronage course "too late," and of his "ill-fated procrastination."[97] Even Winston complained of Johnson's "too patient ear" in listening to divided counsel.[98]

Although Johnson seems to have promised much and delivered little to his followers as far as patronage was concerned, to charge him with indecision is hardly the answer to the question as to why he never developed a definite policy in the period prior to the 1866 elections. As it had been advanced particularly by the Jacksonians and by Lincoln, the system of patronage was designed primarily to give recognition to the party faithful. The office held was in a sense a badge designating one's service to his party. The other uses of the system were limited. Patronage might be used to tip the balance in favor of one or the other faction within a party. Johnson's supporters made the mistake of assuming that it could be used to create an entirely new party completely loyal to the president. They failed to realize that it could be of value only to an established organization.

Was Andrew Johnson cognizant of these considerations? While vainly attempting to turn the Radical tide in 1866, he apparently made

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[96]Beale, Critical Year, 121.

[97]Milton, Age of Hate, 277, 322.

[98]Winston, Andrew Johnson, 353.

only such changes in federal positions as he felt absolutely had to be made in order to appease in some measure the demands of his followers. Did that mean that he did not realize the real power of the patronage weapon which he held? Would a policy of general proscription have served him better? He was guilty of departing from the normal channels of patronage communication. Would an observance of conventional patronage methods have altered the situation which he faced? Would such a move have made the Radicals more willing to work with him? Would he indeed have been in a better position if he had made no moves whatsoever in the patronage arena? In answer to such questions, one recent student of the events of 1866 has concluded, "In all likelihood patronage would have done him little good no matter how he had used it."[99] Perhaps no one in 1866 realized this fact more than did Andrew Johnson himself.[100]

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[99] McKitrick, Andrew Johnson, 379.

[100] On April 14, Johnson bitterly complained to Welles about Senator Doolittle and Cowan's urging him to make changes when they themselves were not "prepared to take or recommend action." "These men take upon themselves no responsibility," Welles quoted the president as saying, "while goading me on to . . . breasting this storm." He indicated that he would take action "at the proper time," but said that he must be allowed to select that time. Beale, Diary, II, 481, 483. The tenor of this conversation, as Welles recorded it later, seems to reinforce the conclusion that Johnson was aware of the problems involved in making patronage changes.

CHAPTER IV

LAME DUCK PATRONAGE

The 1866 elections dealt a serious blow to presidential reconstruction. Such things as the black codes, the obvious lack of repentance on the part of southerners, and race riots in Memphis in late April and early May of 1866 and in New Orleans on July 30 had convinced northern voters that the executive program was a failure. Thus, the Radicals emerged with an overwhelming majority in both houses of Congress and with what they considered a mandate to establish a congressional reconstruction policy.

The first session of the Thirty-Ninth Congress had made some steps in that direction. By overriding the presidential veto of Trumbull's Civil Rights Bill in April, Congress had served notice that it considered presidential reconstruction inadequate. As a first step in establishing a feasible alternative, it passed the Fourteenth Amendment in June of 1866. The major effects of this measure were to make the freedman a full citizen of the United States and to bar from political office several thousand white southerners who had held prominent positions in the Confederacy.

Congressional leaders implied that ratification of the amendment would be sufficient to get southern representations seated in Congress. Tennessee promptly approved the measure and in July, 1866, was restored to its place in the Union. Between October, 1866, and February, 1867,

the other southern states rejected it, and there the matter stood as the second session of the Thirty-ninth Congress (December 3, 1866-March 4, 1867) was running its course.[1]

While all but one of the former states of the Confederacy were rejecting the Fourteenth Amendment, Congress was devising a definite reconstruction program. The result was the First Reconstruction Act on March 2, 1867, passed over the president's veto. Two supplementary measures followed on March 23 and July 19. The total effect of these three laws was to reduce the ten unreconstructed states of the South to the virtual status of territories. The existing state governments were declared void, the South was divided into five military districts, and the military commanders were given almost unlimited authority in these areas until acceptable constitutions could be drawn up under their direction and ratified both by the citizens of the respective states involved and by Congress.[2]

At this point, President Johnson could have hindered the congresional effort through his power of appointment. As commander-in-chief of the armed forces, it was his responsibility to select the men who were to command the five districts. The only stipulation--that the men chosen had to hold at least the rank of brigadier general-- as not a serious one, since the possibility of appointing men of brevet was well as lineal

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[1]Patrick, Reconstruction, 74-82 passim. It should be noted that the promise of readmission upon ratification of the Fourteenth Amendment was implied and was not an official part of the measure.

[2]Ibid., 98-101.

rank was not precluded. Thus, Johnson could choose from a hundred or more officers, several of whom certainly were sympathetic to executive reconstruction efforts.[3]

Although the opportunity to strike a blow against Congress thus presented itself, Johnson's sense of duty prevailed. He considered the First Reconstruction Act to be unconstitutional, but as chief executive he apparently felt that it was his duty to enforce the law until the courts decided otherwise.[4] Whatever his reasoning, he made no deliberate effort to select officers who would attempt to obstruct the functioning of congressional reconstruction.

The initial assignment of commanders on March 11 placed major generals in command of all five districts. John M. Schofield, who did not prominently display his political colors but who favored lenient treatment for the South, had been in charge of Virginia since the preceding August. He remained in control of that state, which was designated

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[3]Sefton, Army and Reconstruction, 115-17.

[4]Johnson's lack of confidants makes it difficult to determine exactly what was his thinking concerning this matter. His seemingly faithful execution of the reconstruction laws worried Welles who, in trying to explain his chief's moves, wavered from the explanation that he simply was doing his duty to one in which he was acting on the erroneous theory of Attorney-General Stanbery that under these laws the military was a mere police force working under or at least with the civil authorities. Beale, Diary, III, 82, 164. Secretary of the Interior Browning later recorded that Johnson, in response to McCulloch's urgings that the military governors be duly appointed in order to forestall any impeachment possibility, heatedly declared that he would not be influenced by the impeachment threat but "would go forward in the conscientious discharge of his duty. . . ." James G. Randall and Theodore C. Pease (eds.), The Diary of Orville Hickman Browning (2 vols., Springfield, Ill., 1925, 1933), II, 135.

the First District. The Second District (North and South Carolina) became the domain of Daniel E. Sickles, a conceited, non-West Pointer who had achieved his rank while serving in the Army of the Potomac during the war. Georgia, Florida, and Alabama, the Third District, were given to the reluctant George H. Thomas, who had no desire for the assignment and who therefore was replaced on March 15 by John Pope, a man of questionable suitability for such a delicate task. The Fourth District (Mississippi and Arkansas) was reserved for Edward O. C. Ord, who had been in charge in Arkansas for several months and had proven his acceptability for such an assignment. Louisiana and Texas were styled the Fifth District and presented to Philip H. Sheridan, who since the preceding August had been in charge of them plus Florida in a command known as the Department of the Gulf.[5] Of the five men, four--Sickles, Sheridan, Pope, and Ord--sided to one degree or another with Congress on the matter of how to deal with the South.[6] Although it was not clear as to whether Johnson or Grant and Stanton had played the major role in making the selections, it was obvious that the chief executive was not allowing personal considerations to sway his decision in enforcing congressional reconstruction. Concerning these initial choices, the now Radical-oriented Nation was forced to concede:

> There appears--if we are to judge from the selection of generals to command the military districts at the South, under the new law, and from the course already adopted by General

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[5]Sefton, Army and Reconstruction, 18, 113-15.

[6]Hyman, "Johnson, Stanton, and Grant," 93.

> Schofield, the only doubtful one of them all--to be no disposition on the President's part to frustrate or evade the execution of the Congressional scheme of Reconstruction . . . .[7]

Whatever his motive for being so co-operative, Johnson had created for himself a dilemma. Having placed in command men who were in varying degrees hostile to his program, any subsequent attempts to replace them were sure to bring about agitation. In the opinion of the president, the need for changes nonetheless soon became apparent. Sheridan proceeded to conduct himself in an arrogant, haughty manner. In the wake of the Third Reconstruction Act, which gave the military commanders extensive powers of removal in their districts, he replaced the elected governor of Texas and various other lesser civil officials in both Texas and Louisiana. Sickles interfered extensively in business and commercial proceedings in his area, even in a few cases to setting aside court decisions relating to these matters. Pope aroused opposition by attempting to control the composition of civil juries and to confine publication of official state and local governmental announcements to newspapers sympathetic to congressional reconstruction. This latter action often ran contrary to state law which required that legal notices had to be published in local newspapers before the steps to which they referred could be taken. He also saw fit to make some removals from civil offices and seemingly to try to arrange voting districts for state constitutional conventions so as to benefit the Radicals.[8]

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[7]"The Week," Nation, March 21, 1867, p. 226.

[8]Sefton, Army and Reconstruction, 144-50, 158-59, 166-67.

The commander-in-chief was not willing to tolerate such continued military interference with the functioning of the civil governments in the South. He accordingly determined to remove the offenders from their posts. In August, 1867, the presidential ax fell. George H. Thomas was ordered to replace Sheridan, but he still was unwilling to become involved in the thorny politics of reconstruction and pleaded ill health. In his stead, he recommended Winfield Scott Hancock, a man of strong Democratic leanings but acceptable to the chief executive because of his pro-Johnson attitude. Hancock became the new Fifth District commandant. At virtually the same time, Edward R. S. Canby was instructed to relieve Sickles of his command in the Second District.[9] Pope's turn came in late December when he was replaced by the more pliable George G. Meade. The same order that placed Meade in command of the Third District also provided for a new commander for the Fourth District where General Ord was supplanted by Irvin McDowell.[10]

Aware of the unrest which had been caused by the strong rule of Sheridan, Sickles, and Pope, the president probably felt justified in making these changes in command. The only thing which his opponents could see, however, was that all the friends of congressional reconstruction

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[9]For official correspondence concerning these assignment changes, see Johnson to U. S. Grant, August 17; Grant to Johnson, August 17; Johnson to Grant, August 19; Johnson to George H. Thomas, August 23; Johnson to Grant, August 26, 1867, Johnson Papers. The original Johnson to Thomas letter is in the National Archives.

[10]Sefton, Army and Reconstruction, 169, 173. Johnson obviously was satisfied with Ord's efforts in Arkansas and Mississippi, but Ord himself, for undisclosed personal reasons, requested and received relief from his command. Ibid., 173-74.

who initially had been placed in charge in the South had, by the end of 1867, been relieved of their posts. Charges and counter-charges were hurled. Conservatives were elated over the removals; Radicals were angry and chagrined. The New York Times summed up the situation as many persons on both sides of the issue saw it by labeling the then impending removals as "features of his [Johnson's] policy as against the policy of Congress. They are all parts of his plan for staying the work of Congress and thwarting its measures of reconstruction."[11]

The patronage problems which President Johnson had to face in the aftermath of the 1866 congressional elections were much more extensive than merely the question of the appointment of military rulers for the South. Considering the overwhelming Radical successes, what type of policy should be pursued? Should removals continue to be made or should he now fall back upon normal channels of patronage and cease all tampering with the system? Senator William Pitt Fessenden addressed himself to these matters immediately following the Maine election:

> The election is now over. No further changes can produce the least effect, except to exchange good officers in whom the people confide for bad ones, whose appointments will disgust thinking men of all parties. My advice to the President is to turn a deaf ear to these fellows when they come about him, talking of

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[11]Editorial, New York Times, August 7, 1867. It is interesting to note that Congress later retaliated for the removals of the pro-Congress generals by exerting pressure to force the removals of Hancock and Schofield. See editorial, ibid., March 27, 1868. It perhaps also should be noted that, in general, Johnson apparently did little tampering with the military in patronage matters. As was to be expected, charges occurred now and then that anti-Johnson officers were being discriminated against, but these were balanced by occasional reverse charges by pro-Johnson officers.

support. All they mean by it is the necessity of supporting them out of the Treasury--not caring how odious they make the President and the Secretary.[12]

Although Fessenden probably expressed an opinion held by his moderate Republican colleagues in the Senate and House, the chief executive also was receiving contrary advice. Now thirsting for revenge, many of his supporters continued pushing for the removal of his enemies from office. A prominent Troy, New York, lawyer declared that it should be clear that "every office holder who has in this election voted against your policy of re-construction should be immediately removed & his place filled by true and loyal friends of your administration."[13] In response to a Johnson request to inform him of the situation in his area, a Montana supporter advised the president that changes should be made in several key positions, since most of the appointees to office in that territory were "of the Radical school."[14] Two Freeport, Illinois, correspondents urged removal of the Third District assessor on the grounds that he was a "venomous slanderer of Andrew Johnson and abusive of his friends."[15] A Missouri man informed the chief executive that the Radicals, by rejecting Johnson men as unqualified for the positions, were attempting to regain control of the revenue collectorships of the Third and Fifth Districts, which had been made vacant by executive

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[12]Fessenden to Hugh McCulloch, September 15, 1866, McCulloch Papers.

[13]David L. Seymour to Johnson, November 8, 1866, Johnson Papers.

[14]Thomas E. Tutt to Johnson, December 24, 1866, ibid.

[15]Thomas J. Turner and A. D. Meacham to Johnson, March 11, 1867, ibid, (original in National Archives).

removal of the incumbents. He noted that they already controlled most of the federal offices in the state and warned that they should be content only with complete control of the patronage there.[16]

As the president was pondering the feasibility of making further changes, a victorious Congress was turning its attention to those already made. While considering whether or not the Johnson appointments made in the heat of the congressional campaigns should be allowed to stand, John Sherman, an influential Republican senator and a leading moderate, received a number of letters urging confirmation of the Johnson nominations.[17] A colonel wrote from New York City urging that General Stephen McGroarty, a Republican and a disabled veteran with a distinguished war record, be confirmed as revenue collector for the Second (Ohio) District.[18] A member of the Ohio General Assembly urged that Colonel William E. Haynes be allowed his position as collector for the Ninth District, in

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[16]Allen P. Richardson to Johnson, April 9, 1867, ibid. Agitation for changes was not confined to the immediate aftermath of the 1866 elections but rather continued throughout most of Johnson's administration. Most of these changes continued to be urged on the grounds of Radical domination of offices. For examples of these pressures for removal, see the following letters to Johnson in his papers: R. King Cutler, August 5, 1867; R. D. Goodwin, October 10, 1867; William Thorpe, October 11, 1867; Lovell H. Rousseau, December 19, 1867; William M. Daily, December 28, 1867; Moses Bates, January 4, 1868; James Mann, January 9, 1868, Hugh McCulloch, June 9, 1868. The original McCulloch letter is in the Rutherford B. Hayes Library.

[17]The Sherman papers constitute an extensive collection and many of them for this period deal with patronage problems. They therefore afford ample examples of support both for and against the presidential apppointments of 1866.

[18]Francis Darr to Sherman, December 7, 1866, Sherman Papers.

view of his war record and his qualifications for the office.[19] While denouncing his activities against the Republican party, another Ohioan endorsed Haynes because of his service during the war and because he was a "liberal, gentlemanly, democrat of good habits."[20] A Cleveland writer called for the confirmation of Henry N. Johnson for a collectorship. He cited Johnson's ability and the fact that he was a loyal Republican as reasons why his nomination should be upheld and declared that he knew few Republicans who wanted him rejected.[21] Albert G. Clark should be allowed to have his postmastership, according to one Toledo source, because he had labored in the Republican party from its inception, actively supported the war effort, ably served on the city council, and was capable of efficiently running the post office.[22] A petition containing approximately sixty-three names requested confirmation of Brigidier General Lewis C. Hunt as Collector of Customs for the Miami, Ohio, District. A distinguished war record and his reputation as a solid businessman were Hunt's qualifications for the post.[23] John Hunter should be allowed to have his revenue collectorship because, while he did on some points follow the presidential policy, he definitely was no Copperhead, had appointed Republicans to subordinate positions, and was opposed

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[19]Frank Sawyer to Sherman, December 18, 1866, January 1, 1867, ibid.

[20]Charles Foster to Sherman, December 24, 1866, ibid.

[21]George A. Benedict to Sherman, December 29, 1866, ibid.

[22]John R. Osborn to Sherman, December 29, 1866, ibid.

[23]John R. Osborn and others to Sherman and Benjamin Wade, January 13, 1867, ibid.

chiefly by Democrats.[24] The postmaster appointee for Newark, Ohio, Thomas J. Anderson, should be accepted by the Senate in that, while he had been originally a Democrat and then had joined in the support for Johnson, he was a competent officer.[25] A petition containing some 140 names likewise urged Anderson's confirmation, as did another Newark man who confessed that he had never thought that he would want to endorse any of the recess appointments made by Andrew Johnson.[26]

While there were those who recognized the merit of many of Johnson's appointees, many others urged rejection. Sherman's correspondence was quite revealing on this point also. Several Bucyrus, Ohio, writers were urging as early as June, 1866, that Isaac Bryant, a one-armed war veteran, not be given the postmastership there because he had been a Copperhead supporter.[27] The former postmaster likewise took occasion to denounce Bryant as "one of the dirtiest copperheads."[28] Two writers from Upper Sandusky requested that the nominee for revenue assessor of the Fifth District, Theodore E. Cunningham, be rejected by the Senate on the grounds that he was an ardent supporter of the Democracy

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[24]William T. McClintock to Sherman, January 25, 1867, ibid.

[25]James R. Stanberry to Sherman, December 11, 1866, ibid.

[26]James R. Stanberry and others to Sherman, January 1, 1867, ibid.; James L. Bickey to Sherman, January 16, 1867, ibid.

[27]James Lewis and others to Sherman, June 22, 1866, ibid.

[28]James G. Robinson to Sherman, October 16, 1866, ibid. Bryant's nomination aroused a considerable storm of protest and as of February, 1867, Sherman began to receive several letters urging that he not be confirmed.

and had filled subordinate offices with Copperheads.[29] Another anti-Cunningham missive declared that the men he had appointed to office were "notorious for their opposition to the Government, during the rebellion, and to Congress, in its efforts to restore the Union."[30] A petition signed by approximately three hundred citizens of the Ninth District called upon the Senate to reject all of the changes which had been made in that area by the president during the recess of Congress.[31] Another Ninth District resident charged that the assessor and collector there had been replaced by "virulent Copperheads" because they would not "bow to Executive dictation and be transferred to the Copperhead camp."[32] The dismissed collector of the Fourteenth District informed Sherman that he and the former assessor had been replaced by men who were substituting Copperheads for loyal Union men in subordinate places.[33]

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[29]A. W. Brinkerhoff to Sherman, November 2, 1866, ibid.; G. W. Beery to Sherman, November 2, 1866, ibid.

[30]J. B. Rothchild and others to Sherman, November 3, 1866, ibid. For other letters directed against Cunningham because of his Copperhead proclivities, see the following in the Sherman collection: Charles H. Kurtz and others, December 27, 1866; O. M. Todd, January 24, 1867; Porter Carlin, Januarh 29, 1867; Porter Carlin and others, February 6, 1867. The letter of February 6 constituted a petition by Ohio state legislators who had supported Sherman's re-election in 1865.

[31]Charles H. Preston and others to Sherman, December, 1866, ibid.

[32]J. F. Dewey to Sherman, December 4, 1866, ibid.

[33]N. B. Gates to Sherman, December 8, 1866, ibid. It is noteworthy that in virtually all the cases cited and in many others which could be noted, the primary charge against the man or men involved was that he or they or the people he or they were appointing were Copperhead Democrats. The height of such charges must have been a letter from the nervous Circleville postmaster who declared that he had been informed that the president had nominated yet another man for that position. This name, like the ones which had been submitted earlier and all others which might be submitted in the future, was to be rejected because he was a Copperhead. See W. H. P. Denny to Sherman, April 6, 1867, ibid.

With the Radical Republicans now firmly in the driver's seat, there was little question as to whose urgings would receive the sympathy of the Senate. The president had been able to make almost any removals which he desired to make prior to the elections, but in the wake of those same elections, obtaining confirmation for the appointments to fill those vacated positions proved to be considerably more complex. Between the beginning of the second, lame duck session of the Thirty-ninth Congress in December, 1866, and the end of a called session of the Fortieth Congress on April 20, 1867, the Senate, while confirming some 1069 nominations, rejected or tabled approximately 877 others, including 337 postmasters, 157 internal revenue assessors, and 148 internal revenue collectors.[34] In a letter to a brother who was hoping for confirmation of his appointment as a consul, Thomas Ewing, Jr., exclaimed in dismay, "You would be surprised to know how the heads of the most gallant officers have been struck off by the ultraism of the party leaders. No regard is paid to the[ir] fitness or military service--they don't weigh a feather."[35] In summing up the situation on April 21, Senator Morgan mildly commented to Weed that some of the presidential appointments were either rejected or held over "owing to the practice that has grown up in the Senate of permitting Republican members of Congress to control the patronage in their Districts."[36] The majority of Republicans in Congress no longer

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[34]This information is based upon a study of the U. S. Senate Executive Journal, XV (December 3, 1866-November 29, 1867), Index. For other figures concerning rejections and confirmations, see Appendix II.

[35]Thomas Ewing, Jr. to Hugh Ewing, February 20, 1867, Ewing Papers.

[36]Edwin D. Morgan to Thurlow Weed, April 21, 1867, Weed Papers.

possessed any confidence in the chief executive, and the Senate, through its power of confirmation, was determined to deny him use of the patronage system. Sniping at the president through this means, therefore, continued on a limited scale throughout the remainder of his administration.

At least one of Johnson's adherents had given some thought in advance to what the president's reaction should be if the Senate should choose to follow the course which it ultimately did take. Writing in July, 1866, to the secretary of the navy, James F. Babcock, a prominent Connecticut Democratic legislator, declared that every active Radical who would not resign should be removed from office. "If the Senate reject," he added, "let them keep rejecting. I would, if President, keep them busy at that work. They will soon get tired of it."[37] There is some evidence that the chief executive actually did attempt to follow this line of attack,[38] but he soon learned that the Senate could play the same game and it was he who apparently first tired of this fruitless activity. As early as February, 1867, the customs collector at Philadelphia, an early Johnson supporter, reported that he had heard that

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[37]Babcock to Gideon Welles, July 12, 1866, Welles Papers.

[38]Outstanding examples of this fact are that as of the end of the extra session of the Fortieth Congress on April 20, 1867, Johnson had submitted five nominees for minister to Austria and none had been accepted. Before obtaining confirmations, he was obliged to submit eight names for the Cincinnati postmastership, seven for the Brooklyn postmastership, seven for the collector of customs for the eastern Maryland district, seven for the Macon City, Missouri, pension agency, and ten for the Fifth Wisconsin district internal revenue collectorship. Eleven nominees each were submitted for the internal revenue assessorships of the Ninth Illinois and Second Indiana districts and ten for the Fourth Wisconsin district assessorship and all had been rejected as of April 20. For these and other examples, see U. S. Senate Executive Journal, Index.

no nominations would be submitted to the Senate if they were likely to be rejected. He protested that such a process would deprive the president's early friends of "all hopes of official station simply for an independent expression of opinion & for active friendship and support" of him.[39] By mid-1868, the situation had deteriorated to a point which one follower despondently described to Johnson: "Whenever one of your friends applies to you for office, you ask him, can you be confirmed, if he answers, I don't know or, I think I can, you say, bring me evidence from leading Senators, that such is the fact, and I will appoint you." He then lamented:

> It places you in the attitude of surrendering your independence, makes you subject to the control, and dictation of the Senate, causes the Senate to make the appointments <u>with your consent</u>; <u>instead of your making them</u>, <u>with its consent</u>, and weakens, if it does not break the cord of attachment, which binds your friends to you.[40]

Even if the president indeed had entertained and now was abandoning the hope of cultivating and supporting a following for himself through the use of his patronage powers, he still had a viable alternative to surrendering the system to Congress. Leading members of the Democratic party long had been writing to Johnson, assuring him of their support. Clearly, any Johnsonian ambition to establish a strong power base within the Republican party had been shattered by the outcome of the 1866 elections; why should he not now move in the direction of the Democracy and

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[39]William F. Johnston to Andrew Johnson, February 15, 1867, Johnson Papers.

[40]Felix McCloskey to Johnson, June 13, 1868, <u>ibid</u>.

use his patronage powers for its benefit?

Despite the existence of an alternative which was undoubtedly personally attractive to the chief executive and which in addition might prove quite fruitful, there was little to indicate as the weeks and months passed that the president actively was pursuing such a course. In the immediate aftermath of the congressional elections, the Nation declared that prior to that time, Johnson had proven to be "a faithful and humble servant to the Democrats," but that publication asserted that now the chief magistrate had seen the light:

> Amongst the signs of Mr. Johnson's conversion is his refusal to listen any longer to Democratic applications for offices. Delegations of office-seekers and their friends calling attention to the state of the post-office in their neighborhood are now every day sent away sorrowful.[41]

Although the Nation perhaps had overstated the case, the Democrats found little more encouragement at the White House than did the Republicans. Many Republican congressmen may have believed, as did Representative Schenck of Ohio, that their wishes were "not to be regarded at all at the other end of the Avenue," but they found Democratic colleagues in the same boat.[42] In some cases, both Democratic and Republican legislators felt that acceptable executive appointments were being made in their districts.[43] While Republicans therefore could not declare that the

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[41]"This Week," Nation, November 22, 1866, p. 401.

[42]Robert Schenck to John Sherman, March 16, 1867, Sherman Papers. For an example of Democratic dismay, see James Brooks to Andrew Johnson, April 11, 1867, Johnson Papers.

[43]That such was the case can be seen in the fact that both Democratic and Republican congressmen in that critical period December, 1866,

president had become any more friendly toward them as a result of the 1866 campaigns, they could not with any honesty flatly charge that he had turned the favors of his office toward the Democrats.

By refusing to allow the Democracy special access to the privileges of the patronage system, Andrew Johnson must have been aware of the damage it would do to him. Like almost any man who has been privileged to hold the high office which he held, Johnson apparently yearned for another term, a term of his own. His chances of receiving the Republican nomination were nonexistent, although Gideon Welles as late as June 25, 1868, professed to see some hope for that developement.[44] Johnson might have had a chance to secure the Democratic nomination, but his steadfast refusal to surrender the patronage system to the Democrats was one of the factors which deprived him of it.[45]

Concerning Andrew Johnson's patronage activities in the period between the disastrous outcome of the 1866 elections and the end of his administration on March 4, 1869, the only apparent conclusion one can

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to April 20, 1867, were receiving desired appointments or were urging confirmation for appointments in their respective districts. For examples from the Democratic side, see Rufus P. Spaulding to John Sherman, January 8, March 20, 1867, Sherman Papers; Reverdy Johnson to Andrew Johnson, March 2, 1867, Johnson Papers; E. D. Holbrook to John Sherman, March 11, 1867, Sherman Papers; Charles A. Eldredge to Andrew Johnson, April 6, April 14, 1867, Johnson Papers. From the Republican standpoint, see William Lawrence to John Sherman, March 9, 1867, and Samuel Shellabarger to Benjamin Wade and John Sherman, March 11, 1867, Sherman Papers. The original April 14 Eldredge to Johnson letter is in the National Archives.

[44]Beale, Diary, III, 391.

[45]Charles H. Coleman, The Election of 1868: The Democratic Effort to Regain Control (New York, 1933), 162-63.

fairly reach is that he largely reverted to the more conventional channels of patronage. This is not to say that he was above personal use of the system. He endeavored to find comfortable positions for at least the key men who had supported him in 1866. McCulloch, Welles, and Seward remained secure in their posts, despite many attempts to unseat them. Although it naturally aroused criticism, Johnson attempted with varying degrees of success to place men such as Reverdy Johnson, Francis P. Blair, Jr., Henry J. Raymond, and Edgar Cowan in foreign posts.[46] Yet, although estranged from the Republican party, appointment of a few close supporters to important situations was as far as he would go. He did not return to the Democratic fold, although most of what support he had after 1866 came from Democrats. Andrew Johnson for all practical purposes became a lame duck president after the 1866 elections, but he was still determined to chart his own political course.

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[46]For examples of the criticisms leveled against Johnson's overseas appointments, see "The Week," Nation, January 24, 1867, pp. 61-62; editorial, New York Tribune, January 18, 1868.

CHAPTER V

THE INHERITED FAMILY

In April, 1865, Andrew Johnson inherited the presidency of the United States. With that exalted position went all of the trials and tribulations of a nation in the immediate aftermath of a long and bitter civil war, a problem which no other American chief of state has had to face. Added to this legacy was another--President Lincoln's body of advisers, an official family composed of men of varied political opinions and experience.

By virtue of its broad domestic as well as foreign responsibilities, the key position in the cabinet was that of secretary of state, the post held by William Henry Seward. With his close friend and adviser Thurlow Weed, Seward was a powerful but by 1865 somewhat declining figure in New York politics. Twice elected governor of that pivotal state, he was sent to the Senate as a Whig in 1848. Increasingly identifying himself in the 1850's with the growing anti-slavery sentiment in the North, he decided to cast his lot with the emerging Republican party. Denied that organization's nomination for president in 1856 and again in 1860--the latter a particularly bitter blow--he eventually accepted Lincoln's offer to head the State Department, believing that from that situation he both could and should dominate the administration. After Lincoln thwarted this notion by proving himself master of his own house, Seward settled

down and became a valuable asset to his chief during the course of the war.[1]

Another cabinet post of great prominence, that of secretary of war, was in possession of Edwin McMasters Stanton, who had been a surprise selection Lincoln made in early 1862 to replace Simon Cameron, a wily Pennsylvania politician who had become a political liability. A former Ohio lawyer, Stanton had achieved a national reputation while practicing before the United States Supreme Court in the 1850's. A committed Union man, he, like Johnson, had supported Breckinridge for the presidency in 1860 in the belief that his election alone could save the Union. Possessed of only limited political experience but apparently adhering to Democratic principles, he became attorney-general in the Buchanan cabinet in December, 1860. Relegated once again to private life after Buchanan left office, he expressed nothing but contempt and hostility for the Lincoln government, but for some still largely unknown reason, Lincoln tapped him to be secretary of war. Although often charged with unwarranted interference with military operations, he served ably throughout the remainder of the war. Somewhere along the way, he embraced Radical principles and was accepted by the Radicals as one of their own, but he kept this allegiance quiet during Lincoln's lifetime.[2]

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[1]Dexter Perkins, "William Henry Seward," D. A. B., XVI, 615-19.

[2]A. Howard Meneely, "Edwin McMasters Stanton," ibid., XVII, 517-19; Dewitt, Impeachment and Trial, 264-67. According to Meneely, Cameron later claimed that he influenced Lincoln's decision to take Stanton into the cabinet. Dewitt flatly states that such was the case. One of Seward's biographers assigns to Seward a major role in the matter. See Glyndon G. Van Deusen, William Henry Seward (New York, 1967), 324. According to

The secretary of the treasury was an influential individual because of the lucrative revenue posts which were in his charge. Hugh McCulloch was the third person whom Lincoln had tried at that task but was as yet unproven at the time of his chief's untimely demise. After holding important financial situations in Indiana, McCulloch had been appointed comptroller of the currency in 1863 by the then secretary of the treasury, Salmon P. Chase. He remained in that position until chosen by Lincoln in March, 1865, to succeed William Pitt Fessenden, who had replaced Chase but who now was moving into the Senate.[3]

Gideon Welles was chosen secretary of the navy in 1861 and he was still in that position in 1865. A former newspaper editor, Welles had served in the Connecticut legislature as a Democrat between 1827 and 1835. During the Mexican War, he gained what later was to prove valuable experience by serving as chief of the Naval Bureau of Provisions and Clothing. Alienated from the Democrats by the slavery issue, he helped found the Republican party in Connecticut and headed that state's delegation to the Republican national convention in 1860. Following his appointment, he was constantly on guard to protect the prerogatives of his department against the attempted encroachments of both Seward and Stanton; at the same time, he revealed his own capabilities as an

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Stanton's latest biography, two key considerations in the decision were that Cameron favored him and that both Seward and Secretary of the Treasury Chase, who agreed on very little, held high opinions of him. Benjamin P. Thomas and Harold M. Hyman, Stanton: The Life and Times of Lincoln's Secretary of War (New York, 1962), 135-36.

[3]Alexander D. Noyes, "Hugh McCulloch," D. A. B., XII, 6-7.

executive and made a definite contribution to the success of Union arms.[4]

James Speed had been made attorney-general about four months before Lincoln's death. A native of the border state of Kentucky, Speed's strong anti-slavery stand had allowed him to gain only limited political experience prior to the outbreak of the war. Elected to the state senate in 1861 as an ardent Union man, he became one of Lincoln's principal advisers on matters relating to that state. When Missourian Edward Bates wearied of the attorney-generalship and resigned in late 1864, Lincoln chose Speed as his successor.[5]

Montgomery Blair, Lincoln's initial choice for postmaster-general, had served in that capacity until September, 1864, when Radical Republican agitation against him became too great for the president to ignore in an election year. He thus formally asked for Blair's resignation at that point and selected former Ohio Governor William Dennison to replace him.[6] A lawyer by profession, Dennison was one of the early Ohio members of the Republican party and was chairman of the Ohio delegation to the first Republican national convention in 1856. Although the people of Ohio knew very little about him and generally considered his nomination as evidence of the lack of qualified candidates, he was elected governor in 1859. His actions at the war's outset were unpopular and he therefore

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[4]Howard K. Beale, "Gideon Welles," ibid., XIX, 629-31; Carman and Luthin, Lincoln and the Patronage, 16. See also Richard S. West, Jr., Gideon Welles: Lincoln's Navy Department (New York, 1943).

[5]E. Merton Coulter, "James Speed," D. A. B., XVII, 440.

[6]Carman and Luthin, Lincoln and the Patronage, 273-77.

was not renominated in 1861.[7] His most immediate service to the party prior to assuming the duties of postmaster-general was to organize a pro-Lincoln slate of Ohio delegates to the 1864 convention and then to serve as permanent chairman of that convention.[8]

Following his re-election in 1864, President Lincoln decided to name a new secretary of the interior and settled upon United States Senator James Harlan of Iowa, a very close friend of the Lincoln family. The product of a frontier environment, Harlan had been both educator and lawyer. An ardent Whig and former Free-Soiler, he was elected to the Senate in 1855 by an action that had to be reaffirmed by the Iowa legislature two years later, since it had originally been done after one house had adjourned. The Republican choice for a second term in 1860, he subsequently became an active supporter of Abraham Lincoln and his friendship with the chief executive made his selection for a cabinet post virtually a foregone conclusion.[9] The resignation of John P. Usher, the incumbent secretary, was not to become effective until May 15, 1865, and Harlan therefore had not assumed his position at the time Johnson came to the presidency.[10]

These were the men whom Johnson had to decide to retain or to replace as his official advisers. Having been thrust into a situation

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[7]Homer C. Hockett, "William Dennison," D. A. B., V, 241.

[8]Carman and Luthin, Lincoln and the Patronage, 278.

[9]Earle D. Ross, "James Harlan," D. A. B., VIII, 268.

[10]Carman and Luthin, Lincoln and the Patronage, 311-12.

to which he had not been elected, the new president apparently not only felt obliged to follow what he considered to be his predecessor's policies but also to retain his official family, an understandable attitude but one that did not remain unchallenged. Some gentle prodding for changes took place at the outset of his administration. While declaring that he had not "one word by way of advice," Senator Dixon, in a letter in early May, noted that should the chief executive be considering changes in his cabinet, Montgomery Blair should be given a position.[11] A few days later, Lewis D. Campbell, one of the new president's Ohio cronies, expressed the opinion that the people seemed to prefer that Seward and McCulloch be retained in their positions. "But if the residue of the Cabinet were replaced," he added, "I think the country would generally approve of it."[12] Such temperate suggestions went unheeded, and during the early months of 1866, those seeking to give him counsel began to be more emphatic about the necessity of cabinet changes. From Ohio, Campbell quickly saw the direction in which Congress was headed and warned his illustrious friend that should "you retain the same council you have around you controlling the Executive patronage to promote _their_ views and not _yours_, I greatly fear the radicals will rapidly increase in power and strength."[13] From Hartford, one of Gideon Welles' regular correspondents declared that, as matters stood at that juncture, the

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[11]James Dixon to Johnson, May 5, 1865, Johnson Papers.

[12]Campbell to Johnson, May 8, 1865, _ibid_.

[13]Campbell to Johnson, January 19, 1866, _ibid_.

chief magistrate had enemies in his own official family as well as in federal offices throughout the nation. The simple answer to this problem was a "reconstructed Cabinet and the appointment of true friends to official position." Such a move would rally the necessary support for a "Johnson party as strong as that which rallied around Andrew Jackson."[14]

By May, it was clear that the president had men of Radical sentiment within his official body of advisers, but despite urgings from his friends to show some decisiveness and rid himself of such untrustworthy men, Johnson made no move in that direction. In an exasperated mood, Thomas Ewing, Jr., wrote to his influential father: "The President does not move to sustain himself--whether from fear of some law being passed crippling his power of removal & appointment, or from constitutional inaction no one knows. I think it is the latter."[15] The chief executive, however, had his own reasons for not making the cabinet removals which were so widely sought by his supporters. Although Radical newspapers were making much of the accession of men such as Harlan, Speed, and Stanton to their ranks, none of the persons in question had said anything to Johnson to indicate new loyalties, and he therefore could not be certain that they held such opinions. He preferred to believe that they were honorable men and would voluntarily resign if they did not believe in his policies.[16]

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[14]Alfred E. Burr to Welles, April 27, 1866, Welles Papers.

[15]Ewing Jr. to Thomas Ewing, May 16, 1866, Ewing Family Papers.

[16]Beale, Diary, II, 481-82, 524-25.

The president's assumption proved partly correct. The issuance of invitations to attend the National Union convention scheduled for August in Philadelphia had the effect of smoking out most of Johnson's opposition within his official family. In July, Speed, Dennison, and Harlan resigned. Speed and Dennison had been opposed to a lenient policy toward the South from the time Lincoln had shown a willingness to adopt that course.[17] Harlan apparently felt much the same way, although Johnson had to ask for his resignation.[18]

The chief executive filled the vacated positions with men whose loyalty to him was unquestionable. The Post Office Department went to Alexander Randall, who had been a prime mover in organizing the National Union drive to support Johnson. During his early political career in Wisconsin, Randall had manifested both Whig and Democratic leanings, but he gradually became identified with the Free-Soil element and then with the Republicans. Serving as governor of Wisconsin for two terms, he was in office when the war came. He worked energetically to enlist forces for the Union cause and sought a military commission upon leaving office. Lincoln did not see fit to grant this desire, but he finally did make him first assistant postmaster-general in 1863, a position from which he actively worked for Lincoln's re-election and then proceeded to render valuable service to his chief's successor.[19]

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[17] Carman and Luthin, Lincoln and the Patronage, 312-13.

[18] Milton, Age of Hate, 340. Radicals quite naturally classified these resignations as acts of conscience. See Blaine, Twenty Years of Congress, II, 218-19 and Burke A. Hinsdale (ed.), The Works of James Abram Garfield (2 vols., Boston, 1882), I, 234.

[19] Joseph Schafer, "Alexander Williams Randall," D. A. B., XV, 344-45.

The attorney-generalship was bestowed upon a man of much greater legal ability and reputation than Speed had possessed. An Ohio lawyer, Henry Stanbery had for a time practiced law with Thomas Ewing and gradually became widely known. Elected attorney-general of Ohio in 1846, he extended his practice into the United States courts and the Ohio Supreme Court, later in 1853, moving his law offices to Cincinnati where he successfully pursued his profession until brought to the national scene in 1866.[20]

Former Senator Orville Hickman Browning of Illinois received the Interior Department appointment. Originally a Whig, Browning had served in both houses of the Illinois legislature but lost bids for Congress in 1843, 1850, and 1852. He became a Republican in the mid-1850's and watched rather enviously as a close friend, Abraham Lincoln, rapidly rose to the heights of success within the ranks of that party. Despite this political jealousy, he served as an Illinois delegate to the 1860 Republican convention and was instrumental in winning votes for Lincoln. Chosen by Governor Yates to fill Stephen A. Douglas' unexpired senatorial term, Browning drifted away from the Illinoisan in the White House over the issue of emancipation. Denied a term of his own when the Democrats gained control of the Illinois legislature in 1862, Browning then moved to support Andrew Johnson and in May, 1866, became his adviser on Illinois patronage and an active participant in the National Union movement.[21]

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[20] A. Howard Meneely, "Henry Stanbery," ibid., XVII, 498.

[21] Theodore C. Pease, "Orville Hickman Browning," ibid., III, 175-76. See also Maurice G. Baxter, Orville H. Browning: Lincoln's Friend and Critic (Bloomington, Ind., 1957). Thomas Ewing may have influenced Johnson's selections of Stanbery and Browning. See Ewing to Johnson, March 15, 1866, Johnson Papers.

Although a large number of removals were made subsequently by the new department heads,[22] they failed to affect measurably the outcome of the 1866 elections. Johnsonian proponents, even so, were ready for new changes by 1867. The influential Blair family definitely wanted new patronage moves. Driven from Republican ranks by the Radicals, they determined to organize a new party built around the War Democrats, men who like the Blairs had supported Lincoln in 1864 but now found themselves without a party. Even beyond the 1866 campaign, the Blairs persisted in their efforts. They were particularly determined to have changes in the key positions of secretary of state and secretary of war and, if need be in order to have them, they were willing to see the entire family replaced.[23] Indeed, early in 1867, the elder Francis Preston Blair proposed exactly that move. His nominees were John A. Andrew (secretary of state), philanthropist George Peabody (secretary of the treasury), Horace Greeley (postmaster-general), Governor Jacob D. Cox of Ohio (secretary of the interior), and Edgar Cowan (attorney-general). Ad interim appointments as secretary of war and secretary of the navy were to go to General Grant and Admiral David G. Farragut, respectively.[24] Late in February, he

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[22]Winston, Andrew Johnson, 363; Ralph Korngold, Thaddeus Stevens, A Being Darkly Wise and Rudely Great (New York, 1955), 356.

[23]William E. Smith, The Francis Preston Blair Family in Politics (2 vols.; New York, 1933), II, 329-33 passim. Montgomery Blair was an especially bitter foe of Seward and took every opportunity to denounce him, first privately (as an example, see Blair to Johnson, April 11, 1866, Johnson Papers) and then openly, in the hope that public opinion would force the New Yorker from office. Neither tactic worked. Cox, Politics, Principle, and Prejudice, 66-67.

[24]Blair to Johnson, February 12, 1867, Johnson Papers.

once again urged a clean sweep of the cabinet "as a concession to the discontents of the country."[25] Johnson, however, could see no reason for such a move and the changes were not forthcoming.[26]

The Blairs were not the only persons trying to force cabinet removals. In a February letter to his father, the younger Ewing reported a great deal of pressure being brought to bear upon the president to reorganize his official family. The leader of this drive, according to Ewing, was Greeley. The object was to place universal suffrage men in the more important positions, and the individuals against whom the greatest effort was being made were Seward, Stanton, Welles, and Randall.[27] The pressure was intensified by conservative elements in various parts of the nation prior to the state elections of October and November. By that time, Seward, McCulloch, and Randall were being singled out as Johnson's greatest political liabilities.[28] Representative of this sentiment was an Indiana newspaper editor who asked what these men were doing for the president: "Do they appoint your friends to public positions? If they do an exception to that rule is made in this section."[29] Still Johnson held back and the changes were not made.

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[25]Blair to Johnson, February 24, 1867, ibid.

[26]Milton, Age of Hate, 386.

[27]Thomas Ewing, Jr., to Thomas Ewing, February 19, 1867, Ewing Family Papers.

[28]Milton, Age of Hate, 464.

[29]J. B. Stoll to Johnson, September 25, 1867, Johnson Papers.

The final great effort to bring about turnovers in the cabinet came in the immediate aftermath of the impeachment trial. The inducement placed before Johnson was the Democratic nomination for president, and the particular targets for attack were Seward and McCulloch. On the eve of the presidential balloting at the Democratic convention, Johnson was informed that his friends had labored arduously for his nomination, and that they felt "this evening that your success would have been beyond all doubt if you had not such a dead weight to carry, in your Cabinet, especially the State and Treasury Departments."[30] Another Johnsonian Democrat earlier had pleaded for changes on the grounds that such a move would make Johnson's strength among Democratic delegates "assume a formidable shape at once."[31] To all such pleas, Johnson's only reply was a question: "Are we not doing well in carrying seven Cabinet officers, who were Republicans, in favor of all the measures that the Democrats profess to support?"[32] Not even the prospect of a presidential nomination could force him to abandon those men who had stood by him during his time of trial.[33]

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[30]R. W. Latham to Johnson, July 7, 1868, ibid. Latham earlier had lamented that cabinet changes made twelve or even eight months before would have assured Johnson of the nomination. See Latham to Johnson, June 11, 1868, ibid.

[31]Ralph W. Newton to Johnson, June 24, 1868, ibid. For other letters holding forth the hope of nomination in return for cabinet changes, see William W. Warden to Johnson, June 29, July 1, 1868, ibid.

[32]Johnson to Edmund Cooper, July 8, 1868, ibid.

[33]One historian sympathetic to Johnson has declared that both Seward and McCulloch were "devious and uncandid in their treatment of the President." Milton, Age of Hate, 641. This charge, however, appears

The president's loyalty to his executive officers was not reciprocated in every case. Perhaps Johnson's ardent supporters were wrong in suspecting from time to time the fidelity of men like McCulloch and Seward, but as time passed, there was room for little doubt concerning War Secretary Edwin M. Stanton. Almost from the time of Johnson's elevation to the presidency, Stanton's removal from office both was expected and called for by Johnsonians. As early as mid-June, 1865, the new chief was being warned that Stanton was treacherous and should be removed "while it is yet time" and the names of Frank P. Blair, Jr., and Cassius M. Clay were being suggested as replacements.[34] These remonstrances fell on deaf ears and Stanton remained in his place.

Rumors of the secretary's imminent resignation gradually faded, only to be given new life in early 1866. The president received several letters in late January and early February urging that Stanton be replaced by Major General James B. Steedman, a trusted pro-Johnson soldier-politician. Citing newspaper accounts of Stanton's impending departure,

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grossly unfair, especially to Seward, who probably lost what political influence he yet had by standing by Johnson. Van Deusen, Seward, 482. McCulloch's major error was retaining in office and protecting the decidedly Radical Commissioner of Internal Revenue, E. A. Rollins, who finally resigned in June, 1868, after filling many revenue positions with Radicals. McCulloch, however, was not a politician and this fact perhaps explains the reason for his slowness in sensing Rollins' disloyalty. There appears to be little evidence that McCulloch himself was in any way disloyal to his chief. For some comments on the McCulloch-Rollins relationship, see Herbert S. Schell, "Hugh McCulloch and the Treasury Department, 1865-1869," Mississippi Valley Historical Review, XVII (December, 1930), 415.

[34]Letters from Herman Walther to Johnson, June 15, 1865; James S. Rollins to Johnson, June 7, 1865; David Dudley Field to Johnson, June 8, 1865; W. W. Jones to Johnson, June 20, 1865, Johnson Papers.

George H. Pendleton, prominent Ohio politician, highly recommended Steedman as "an able, energetic, accomplished businessman, of great executive ability" and predicted that in him Johnson would have "an able faithful trustworthy adviser of commanding influence."[35] The erratic editor of the New York Tribune also endorsed the general, calling him "one of the bravest and truest of our Union Volunteers, and a capable, devoted patriot."[36]

The reports of which these men had heard also died without any visible effect upon the war minister's position, but as the year 1866 moved toward the fateful congressional elections, his lack of loyalty became increasingly evident in the amount of official advertising given by the War Department to newspapers which violently opposed the president.[37] Although Johnson tried to counter the effects of his secretary's actions by removing as much patronage as possible from his control and by attempting to place military notices in organs friendly to the administration,[38] he allowed the man himself to retain his office. While other cabinet officials who were no longer in sympathy with the official policies of the executive offered their resignations in July, Stanton remained in

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[35]Pendleton to Johnson, January 28, 1866, ibid.

[36]Horace Greeley to Johnson, January 28, 1866, ibid. Dean Richmond, Samuel J. Tilden, Samuel Barlow, and Augustus Schell were among others who wrote letters of endorsement for Steedman.

[37]Milton, Age of Hate, 324. It is of interest to note that while Stanton took such covert actions as cited, he assumed no open stand against Johnson's policies and in fact continued the appearance of supporting the president's stand until well into 1867. Dewitt, Impeachment and Trial, 267-69.

[38]Thomas and Hyman, Stanton, 529.

his place. Secretary McCulloch later recorded his impression of the entire matter:

> He [Stanton] attended the Cabinet meetings, not as an adviser of the President, but as an opponent of the policy to which he had himself been committed, and the President lacked the nerve to dismiss him. The failure of the President to exercise his undoubted right to rid himself of a minister who differed with him upon very important questions, who had become personally obnoxious to him, and whom he regarded as an enemy and a spy, was a blunder for which there was no excuse.[39]

Whether Stanton was retained because the president lacked the nerve to replace him or was simply willing to give every benefit of the doubt to a man who had not the honesty to admit his true position, one thing was certain--the chief executive's enemies knew that he had within the ranks of his own official family one of their own, and they thus moved to protect him from removal. Fearful that Johnson would make a wholesale sweep of hostile officeholders (including Stanton) as soon as Congress adjourned, the Radical members of the Thirty-ninth Congress settled upon a course of action which later was described by James G. Blaine, who had been of that persuasion:

> Against the early decision of the founders . . . against the repeatedly expressed judgment of ex-President Madison, against the equally emphatic judgment of Chief Justice Marshall, and above all, against the unbroken practice of the Government for seventy-eight years, the Republican leaders now determined to deprive the President of the power of removing Federal officers.[40]

The measure which was designed to safeguard Radical incumbents in their respective offices was known as the Tenure of Office Act. Passed on

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[39] McCulloch, Men and Measures, 391.

[40] Blaine, Twenty Years of Congress, II, 270.

March 2, 1867,[41] in its final form, it had as its heart this clause:

> That every person holding any civil office to which he has been appointed, by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been appointed by the President, with the advice and consent of the Senate, and duly qualified; and that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.[42]

The views of the executive and legislative branches of the government concerning the Tenure of Office Act naturally were widely divergent. To the majority of the Radical-dominated Congress, the passage of the

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[41]March 2 was a red letter day in the Radical struggle against Johnson. On that day, not only did the Tenure of Office Act become law but also the First Reconstruction Act and the Army Appropriations Act. The latter, while providing as always for army salaries, included an unusual clause which called for the permanent stationing in Washington of the general-in-chief (Grant) and decreed that all orders by the president and the secretary of war had to be issued through him to be valid. The Tenure Act and this section of the Army Act were designed to tie the chief executive's hands politically and militarily. However, since Grant and Johnson worked in harmony until early 1868, any suggested effect of this measure upon the actual course of reconstruction in 1867 is very much open to question. Sefton, Army and Reconstruction, 111-12; McKitrick, Andrew Johnson, 482n.

[42]Richardson, Messages and Papers, VI, 492. In the original measure, a provision to include cabinet members was excluded by the Senate, as it earlier had been by the House. The latter body, however, experienced a change of heart when rumors concerning the imminent removal of Stanton once again began to make the rounds. Subsequently, before the Senate could complete action on the bill, the House voted to include cabinet members. The Senate, which was less dominated by the Radicals, refused to accept this move, but the House insisted upon the inclusion. A conference committee then worked out a compromise statement which included the cabinet in the manner described. Radicals now assumed that their favorite was safe. Dewitt, Impeachment and Trial, 183-85, 193-93.

measure simply rectified a mistake made by the early fathers of the nation. The First Congress had recognized the power of removal by the executive largely because of the greatness of the man who at that time occupied the office. In subsequent years, however, that authority had been misused by lesser men to exalt the power of the executive branch, thus necessitating remedial action in order to prevent a despotism.[43]

President Johnson could not be expected to regard the measure in question in such a favorable light. To him, it was flying in the face of all precedents--a flagrant attempt by Congress to usurp power which was rightfully his. Although the act had been designed in such a manner as to bring even the cabinet under its provisions in an obvious attempt to save Stanton from removal, all the members of that body condemned it, and the secretary of war even went so far as to help Seward write the presidential veto.[44] That message, grounded upon the congressional debates of 1789, pointed to the precedents which subsequently had been set:

> That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial authority and judicial commentaries than it has been uniformly practiced upon by the legislative and executive departments of the Government.[45]

Established practices were traced through Lincoln, who, Congress was reminded, had displaced numerous officeholders "upon probable suspicion"

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[43]William A. Dunning, Essays on the Civil War and Reconstruction and Related Topics (New York, 1898), 289.

[44]Ibid., 288; Patrick, Reconstruction, 121.

[45]Richardson, Messages and Papers, VI, 493.

of their disloyalty to the Union.[46] The presidential arguments were to no avail as the measure became law over his veto.[47]

Several months passed before the president chose to give the Tenure Act a major test. During this time, Stanton became increasingly obnoxious to him. Following the passage of the act, which had been designed in part to protect him, the secretary allowed his Radical proclivities to be ever more apparent. When the chief executive learned that his war secretary had personally written the second supplementary reconstruction bill which had recently become law over his veto, he decided that the time had come to make some changes in the War Department.[48] As the initial move in the same month that also was to see the removal of two top generals from their southern commands, Johnson asked for Stanton's resignation. When the secretary refused to surrender his post, the chief magistrate, against the advice of General Grant, suspended him from

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[46]The entire veto message may be found in ibid., 493-98.

[47]That the Tenure of Office Act had been aimed exclusively at Johnson became clearly evident very shortly after Grant took office. A move was made to repeal the act and, although the Senate would not go along with this effort, a compromise was reached whereby Grant could remove officials during the recess of Congress, subject to Senate approval during the following session. The purpose, according to one senator, was "so that there might be no obstacle in the path of General Grant to the removal of the obnoxious officials who had adhered to Andrew Johnson." George F. Hoar, Autobiography of Seventy Years (2 vols., New York, 1905), II, 138. In 1887, Congress repealed the restrictions of both the Tenure Act and the Army Act. Claude B. Cross, "The Removal Power of the President and the Test of Responsibility," Cornell Law Quarterly, XL (Fall, 1954), 83-84.

[48]Milton, Age of Hate, 447; Patrick, Reconstruction, 121; Dewitt, Impeachment and Trial, 270-71. For some other considerations which may have played a role in the president's decision, see McKitrick, Andrew Johnson, 497.

office and placed Grant in the secretary's position ad interim.[49] Although Grant felt that the Tenure Act covered Stanton, he nonetheless assumed the ad interim appointment.

When Congress reconvened in December, Johnson sent to the Senate a full report concerning the suspension, including his reasons for doing so. In it, he not only cited the secretary's defiance in refusing to resign his office but also the damaging facts that, while Stanton, in his reply to the order suspending him, had claimed coverage by the Tenure Act, his original reaction to the law had been an emphatic rejection of it as unconstitutional and that he had helped draft the veto message. The president also pointed out that Stanton's growing differences of opinion with the official views of the administration had caused disunity within the cabinet and stated his belief that, when a department head's views become so widely divergent from those of his superior, only "a severance of the official relationship" could remedy the situation effectively.[50] The Senate did not find the president's arguments convincing and on January 13, 1868, refused to accept the suspension.

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[49]For the exchange of correspondence among the three, see the following letters in the Johnson Papers: Grant to Johnson, August 1, 1867; Johnson to Stanton, August 5, 1867; Stanton to Johnson, August 5, 1867; Johnson to Stanton, August 12, 1867; Stanton to Johnson, August 12, 1867; Johnson to Grant, August 12, 1867. By suspending (as opposed to removing) the secretary of war from office and subsequently submitting a report of his action to the Senate, Johnson seemed to be acting within prescribed limits set by the Tenure Act, a fact which later was to cause his defense attorneys some trouble during the course of the impeachment trial.

[50]Richardson, Messages and Papers, VI, 589. It may also be of some interest to note that Johnson charged that Stanton withheld vital information concerning the situation which resulted in the riot in New Orleans in 1866. Ibid., 590. The entire text of Johnson's December 12 message is reprinted in ibid., 583-94.

The Senate's refusal to concur caused Grant to act. On January 14, he notified Johnson that as of the evening of the previous day he no longer considered himself ad interim secretary of war.[51] At a cabinet meeting on the same day, however, it was revealed that the president and the general had made a prior agreement to the effect that Grant would either retain the office or surrender it before the Senate acted in order to give the chief magistrate time to find someone who would remain in that position until the courts could test the constitutionality of the Tenure Act.[52] Although the general subsequently wrote his commander-in-chief both denying that he had ever promised to surrender his post in advance of Stanton's reinstatement and asserting that he had informed him prior to the Senate's action that he would vacate the office if Stanton was reinstated by the Senate,[53] Johnson obviously had caught Grant in a lie, a fact to which the other cabinet members then attested. A later Radical probe halted short of revealing this perfidy because of fear of damaging Grant's presidential aspirations, which already had had

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[51]Grant to Johnson, January 14, 1868, Johnson Papers.

[52]This comment is based upon the recollections of that meeting by the other cabinet members who responded to Johnson's request to put them in writing. See Welles to Johnson, February 5, 1868, Gideon Welles Collection (Henry E. Huntington Library), copy in Johnson Papers; Browning to Johnson, February 6, 1868, O. H. Browning Papers (Illinois State Historical Library), copy in ibid.; McCulloch to Johnson, February 6, 1868; Randall to Johnson, February 6, 1868; Seward to Johnson, February 6, 1868, Johnson Papers.

[53]Grant to Johnson, January 28, 1868, ibid.

some of their luster knocked off by his acceptance of the ad interim position in the first place.[54]

Whether or not Grant had been perfidious in his actions, the point was that Stanton had been reinstated by the Senate, Grant had returned that post to Stanton's care, and the president was in the same position he had occupied prior to the August suspension. Although his friends urged him to forget the wayward secretary, Johnson was determined to remove him from office. His attempts to find a capable man to replace Stanton ad interim, however, found little enthusiastic response. One by one, prominent figures refused the appointment, and even the chief clerk of the War Department rejected an offer. In order to force the issue with Stanton, the chief executive finally had to settle for the vain and pompous adjutant general of the army, Brevet Major General Lorenzo Thomas.[55] On February 21, 1868, Johnson gave Thomas two papers--one, to be delivered to Stanton, notified the War Department chief that he had been removed from his post and that he was to surrender custody of the office to Thomas; the other, addressed to Thomas, authorized him to act as secretary of war ad interim.[56] Refusing to comply with the

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[54]Patrick, Reconstruction, 123. Immediately after Grant's acceptance of the secretaryship, the editor of the Radical-oriented Chicago Tribune, in a letter to one of the general's key supporters for the presidency, noted that one effect of the appointment had been to make Grant appear to many as "in some sense tainted with Johnsonism." Horace White to Elihu Washburne, August 13, 1867, Washburne Papers.

[55]Patrick, Reconstruction, 124.

[56]Johnson to Stanton, February 21, 1868, Johnson Papers; Dewitt, Impeachment and Trial, 344.

order, Stanton had Thomas arrested. Before the case could be brought to trial, however, the Radicals, unwilling to see the Tenure Act tested in the courts, persuaded him to drop charges against the adjutant general, thereby denying the president the test case which he had worked so long and hard to produce. Instead, on February 24, the House of Representatives passed a resolution impeaching Andrew Johnson of high crimes and misdemeanors in office, basing this action mainly upon his apparent violation of the Tenure of Office Act by dismissing Stanton from office.[57]

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[57]Patrick, Reconstruction, 124.

CHAPTER VI

PRESIDENTIAL PATRONAGE ON TRIAL

Between December 17, 1866, and January 13, 1868, several attempts were made to impeach the president. Efforts to prove charges ranging from plotting to place Tennessee under Confederate control while he was that state's military governor to having a hand in Lincoln's assassination all ended in embarassing failure for Johnson's antagonists.[1] By February, 1868, hopes of building a credible case against the chief executive appeared dim indeed.

Johnson's unsuccessful attempt to remove Stanton from office gave new life to the stalled impeachment drive. For the first time, the president's opponents had in this apparent violation of the Tenure of Office Act something solid upon which to construct a case against him, and they were determined to make the most of it. During the course of the extensive debate which preceded the vote on the impeachment resolution, several representatives expressed confidence that the chief executive's obvious violation of the law of the land was all that was necessary to justify impeachment. Rufus Spalding of Ohio smugly presented his opinion:

> Now, Mr. Speaker, in my apprehension, if there be any efficacy in an enactment of Congress, we are not called upon to ascertain . . . whether the President has, in fact, committed a high misdemeanor, because Congress has already, upon the face

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[1]The impeachment drives in this period are described in detail by Dewitt, Impeachment and Trial, 135-338 passim. An excellent concise summary is given in McKitrick, Andrew Johnson, 491-504.

> of its enactment, declared the alleged act of removal to be such.[2]

Proclaiming that the House had a "complete, compact, and perfect case," John F. Farnsworth of Illinois saw no need for witnesses or further testimony, since the situation was "as clear and plain as if he confessed the crime."[3] Missouri's William Pile was equally certain: "The provisions . . . are plain and unambiguous. The proof of the acts is documentary and conclusive."[4] "The case is a plain one," declared New Yorker Burt Van Horn, "and there can be but one conclusion arrived at by any candid mind."[5] Tennessean William B. Stokes was emphatic: "Now, sir, there is no getting around or sliding out of this. He has bid defiance to an act of Congress; he has done that which the law positively forbid him from doing."[6] John F. Driggs of Michigan felt no need for debate: "Mr. Speaker, it is of no use to argue the question. We have before us the law, and upon the Speaker's desk the President's admission that he has violated the law."[7]

Some House members attempted to broaden the case somewhat by asserting that, by removing Stanton while the Senate was yet in session, the President had violated not only the Tenure Act but also the Constitution. Such was the burden of Thaddeus Steven's comments in concluding the debate late on the afternoon of February 24,[8] but he had been

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[2] Cong. Globe, 40 Cong., 2 sess., 1340.

[3] Ibid., 1344.

[4] Ibid., App. 156.

[5] Ibid., 1389.

[6] Ibid., 1395.

[7] Ibid., 1368.

[8] Ibid., 1400.

preceded by others arguing the same thing. Pile called for "the production of one single precedent for the exercise of such power."[9] Illinoisan Burton Cook held that even if the Tenure Act did not exist, Johnson had "exercised a power entirely unwarranted by the Constitution and laws of the United States."[10] James Moorhead of Pennsylvania viewed the president's action as "no less than open and defiant refusal to obey the law and the Constitution that he has solemnly sworn to support."[11] Ohio's John A. Bingham, a dedicated Johnson foe, likewise pronounced the chief executive guilty of a violation of the Constitution and asserted that "in that particular he is subject to the penalties imposed upon him by the sixth section of the tenure-of-office act."[12]

While alleged executive violation both of the Tenure Act and of the Constitution may have been a sufficient case for some congressmen, others found that they were unable to limit themselves to such unimportant considerations. Ohioan James M. Ashley, who had worked long and hard to bring about Johnson's impeachment, was not afraid to let his true feelings be known:

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[9] Ibid., App. 156. There indeed was an almost exact precedent to Stanton's case. In 1800, President Adams had removed a protesting Timothy Pickering as secretary of state while the Senate was in session. Johnson's counsel had hoped to keep this fact under wraps until the right time, but the president ruined this strategy by revealing it to a New York World reporter on March 9. Milton, Age of Hate, 529.

[10] Cong. Globe, 40 Cong., 2 sess., 1362.

[11] Ibid., App. 157.

[12] Ibid., App. 160. The penalities imposed by the section to which Bingham referred were a fine of $10,000, or imprisonment up to five years, or both.

> I regard this as one of the smallest of the many offences of which this man has been guilty. If Mr. Johnson had been guilty of no impeachable offence until his removal of Mr. Stanton, no one believes that a majority of this House could be induced to vote for his impeachment now.[13]

Indiana's George W. Julian, one of the most radical of the Radicals, saw it much the same way: "It is true, the removal of the Secretary of War is relatively a small matter . . . and I believe it would be regarded as scarcely a sufficient ground for this proceeding, if not considered in the light of far greater previous offences."[14] Pennsylvanian John M. Broomall felt constrained to agree with these pronouncements:

> Now, I am not of the opinion that this last act of the President is the greatest one of his enormities. On the contrary, I am inclined to think that in its consequences it is among the smallest, a mere foiled attempt at dictatorship.[15]

Despite the valiant attempts of Johnson's House friends to confine the debate to the issue at hand, i.e., the president's removal of Stanton as a violation of the Tenure Act,[16] comments of men such as Ashley, Julian, and Broomall encouraged the spread of the argument to subjects far afield, and allowed all of the pent up feelings and suspicions of the chief executive's enemies to find expression. In words charged with emotion, Farnsworth asserted:

> Sir, this nation has been too long disgraced by this man, this accidental President, made so by the assassin's pistol,

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[13] Ibid., 1360-61.

[14] Ibid., 1386.

[15] Ibid., App. 158.

[16] For some examples of the efforts of pro-Johnson House members to defend the right of the president to remove Stanton from office, see the speeches of James Brooks, James B. Beck, William S. Holman, Benjamin M. Boyer, and Charles E. Phelps. Ibid., 1337-39, 1349-51, 1353-55, 1362-65, App. 244-47.

> this man who, in an evil hour, was thrust upon the country. Too long has he been an incubus, and a disgrace to this great and glorious nation. Let him be removed.[17]

Illinois' at large representative John A. Logan did not believe it necessary to go into Johnson's many offences, since they were "patent to the whole country." Citing particularly his appointment of "disreputable persons" to office, the congressman declared that the chief executive had done "every act which can be enumerated in the English language which is an obstruction to the prosperity of this nation and the preservation of the harmony of its people."[18] Ben Butler, another ardent Johnson antagonist, "mournfully" recalled the chief magistrate's "change of purpose, which became so painfully evident in the summer of 1865" and listed his many crimes from that point to "his attempt to draw into a conspiracy with himself the general officer of the Armies of the United States."[19] "Now sir, what is the history of this man?," asked George S. Boutwell of Massachusetts. After recalling for his hearers the drunken spectacle which Johnson had made of himself before the nation and the world during his inauguration as vice-president, he presented another question for their consideration:

> Is not he the man who, in violation of his oath of office, appointed men to places of trust and power througout the ten States of the South who could not take the oath of office prescribed by the law of the country?[20]

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[17] Ibid., 1347. [18] Ibid., 1353. [19] Ibid., 1393.

[20] Ibid., App. 161. This remark was an obvious reference to Johnson's provisional governors and other men appointed to fill federal offices in the southern states in 1865. As was noted earlier, no complaints were made concerning those appointments until the president ran afoul of the Radicals on other matters.

Kansan Sidney Clarke hinted at something much more dark than any of these things: "I believe him guilty of a deliberate conspiracy to destroy by treacherous plots the fruits of the victory which patriotic sacrifices had won."[21] Pennsylvanian William D. "Pig-Iron" Kelly, who had been among the first congressmen to whom Johnson attempted to deny use of the patronage,[22] made his remarks even more pointed.

> Possessed by the thought of the Presidency and the possible perpetuation of his power, there stood between him . . . and the position in which it would take but his own selfish interest to persuade him that the perpetuation of his power was essential to the life of the nation, but one life, that of Abraham Lincoln, and that life, a few days after Mr. Johnson was inaugurated as the President's constitutional successor, violence removed . . . ."[23]

Whipped to a feverish frenzy by two days of debates which were punctuated by a weekend of restless activity, the House voted on Monday, February 24, to impeach the president. The count was 126 to 47 with every Republican present voting for and every Democrat against the action.[24] The Radical majority had managed to convince itself of the rightness of its cause and, in the minds of these men, there could be but one conclusion to the matter. Cried Boutwell prior to the vote:

> I cannot speak of the Senate, but by the House of Representatives and by the country such demonstrations have already been made as must satisfy us that there is no question as to what

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[21] Ibid., 1390.

[22] McKitrick, Andrew Johnson, 383.

[23] Cong. Globe, 40 Cong., 2 sess., 1347.

[24] Ibid., 1400; Dewitt, Impeachment and Trial, 373.

> the judgment of the House is to be here and now, or that that judgment is finally to be sustained by the judgment of the Senate.[25]

Official impeachment articles were adopted by the House on March 2 and 3. Nine of the eleven accusations dealt either directly or indirectly with the president's attempt to remove Stanton from office and to replace him with Lorenzo Thomas ad interim, labelling this effort a "high misdemeanor" and/or "high crime." The tenth article, one of Ben Butler's pet projects, cited several statements made by the chief executive during his 1866 "swing around the circle," charging that those remarks were intended to "bring into disgrace, ridicule, hatred, contempt, and reproach the Congress" and calling them a "high misdemeanor." Article XI was a catch-all device which in abbreviated form rehashed most of the charges made in the first ten articles.[26]

Even as the House carried its case before the Senate, and the trial entered its initial stages, both friendly and unfriendly sources suggested that the president use his official patronage to kill the impeachment drive. An old Tennessee friend and associate, Colonel Edmund Cooper, could not understand why the chief executive refused to avail himself of this possible way of salvation. Some Radical senators intimated that sagacious changes in the cabinet might prevent conviction.

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[25] Cong. Globe, 40 Cong., 2 sess., App. 160. This discussion of the proceedings in the House leading to Johnson's impeachment is based upon Dewitt, Impeachment and Trial, 359-73.

[26] The complete text of each of the eleven impeachment articles may be found in Senate, Trial, I, 6-10. The seven men who were to manage the House's case before the Senate were elected on March 2: Butler, Stevens, Bingham, Boutwell, Logan, James F. Wilson of Iowa, and Pennsylvanian Thomas Williams. Ibid., 4.

The chief magistrate, however, remained unmoved. He would not buy acquittal.[27]

When the impeachment trial finally did get under way late in March, Ben Butler, in making the opening argument for the House, immediately moved to broaden the scope of the case considerably when he declared the "plain and inevitable issue" to be nothing less than whether the president "without any restraint whatever" had the right to remove or suspend indefinitely from their positions executive officers and to replace them with "creatures of his own appointment."[28] However, when the time came for the president's counsel to make its opening statement, Benjamin Curtis, speaking on behalf of his colleagues, reminded those assembled that the only charges for which the chief executive was on trial were those expressed in the eleven articles. With them in question, he then narrowed the situation to one all-important consideration:

> Now, there is a question involved here. . . . That question is, whether Mr. Stanton's case comes under the tenure-of-office act. If it does not, if the true construction and effect of the tenure-of-office act when applied to the facts of his case excludes it, then it will be found by honorable senators . . . that a mortal wound has been inflicted upon them by that decision.[29]

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[27]Milton, Age of Hate, 527-28, 533; St. George L. Sioussat (ed.), "Notes of Colonel W. G. Moore, Private Secretary to President Johnson, 1866-1868," American Historical Review, XIX (October, 1913), 125-26, 129.

[28]Senate, Trial, I, 96.

[29]Ibid., 378. The president's counsel was composed of Curtis, a former United States Supreme Court justice, prominent New York attorney William M. Evarts, who was destined to do the bulk of the work for the defense, Henry Stanbery, recently resigned as attorney-general in order to devote full time to the case, Ohio lawyer William S. Groesbeck, and Judge Thomas A. R. Nelson, a Greenville native who was Johnson's personal selection.

Curtis's remarks indicated the line of defense the president's counsel intended to pursue, and Butler, in the course of his opening statement, had tried to anticipate the defense's case in this connection. He first attempted to show that Stanton was covered by the Tenure Act, arguing that the term that Johnson was serving was in reality that of Lincoln:

> Whose presidential term is the respondent [Johnson] now serving out? His own, or Mr. Lincoln's? If his own, he is entitled to four years up to the anniversary of the murder, because each presidential term is four years by the Constitution. . . ."

He further contended that, if Stanton were not covered by the law, his commission had expired either one month after March 4, 1865, or if the act were not retroactive, on March 2, 1867. In either case, the president, by not commissioning the secretary in accordance with the provisions of the Tenure Act, had violated that law and was thereby "guilty of a high misdemeanor."[30]

Having attempted to prove the chief magistrate guilty regardless of Stanton's legal status, Butler then proceeded to indicate that the president already had recognized the validity of the Tenure Act by acting under its provisions. He recalled that initially Johnson had suspended Stanton and later had informed the Senate of this action and his reasons for having made such a move. By adopting this course, Butler contended that the chief executive had followed the procedures outlined by the

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[30] *Ibid.*, 102-3.

measure in question and thereby had estopped himself from questioning the law's validity.[31]

In his statement, Curtis wasted no time in replying to these contentions. He ridiculed the manager's play upon the word "term." Maintaining that the period of four years was a conditional rather than absolute limit assigned by the Constitution, he contended that Lincoln's death had ended his tenure in office and launched the vice-president upon his own term. There was

> no more propriety . . . in calling the time during which Mr. Johnson holds the office of President . . . a part of Mr. Lincoln's term, than there would be propriety in saying that one sovereign who succeeded to another sovereign by death holds a part of his predecessor's term.[32]

Turning his attention directly to Stanton's right to hold his position under the Tenure Act, Curtis reminded the senators that there had been considerable debate in the Senate at the time of that measure's passage as to whether the provisions covered the holdovers from Lincoln's cabinet. He carefully noted that one of the members of the joint committee which had worked on the law had reported that such was not the case. "And now I ask the Senate," continued the defense attorney, ". . . whether it is possible to hold that Mr. Stanton's case is within the scope of that tenure-of-office act? I submit it is not possible."[33]

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[31] Ibid., 103.

[32] Ibid., 379.

[33] Ibid., 382. The senator to whom Curtis referred was John Sherman, who later would adjudge the president to be guilty as charged of violating the law. For his reasoning, see ibid., III, 3-16.

After devoting some time to showing that the president had the right of removal based upon precedents dating from the legislative action of 1789,[34] Curtis turned his attention to the question of estoppel and quickly demolished that point. Contending that the president's actions in suspending Stanton and reporting to the Senate had been done to prevent a collision with the law if at all possible, he ridiculed the idea of an estoppel in this case at any rate:

> That the President of the United States should be impeached and removed from office, not by reason of the truth of his case, but because he is estopped from telling it, would be a spectacle for gods and men. Undoubtedly it would have a place in history which it is not necessary for me to attempt to foreshadow.[35]

Excluding intermissions, the time which expired between Butler's opening argument and the end of testimony was only sixteen days. During this time, all of the articles were given considerable airing and both sides went to great lengths to produce evidence that the president both could and had or had not used his removal powers excessively.[36] Still, in the final analysis, as the time for closing arguments came around, the central question remained as Curtis had posed it at the beginning--

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[34]After referring to the congressional debates and subsequent action taken by Congress in 1789, Curtis declared, "Now, it is a rule long settled . . . that when such contemporary exposition has been made of a law, and it has been followed by an actual and practical construction in accordance with that contemporary exposition, continued during a long period of time and applied to great numbers of cases, it is afterward too late to call in question the correctness of such a construction." Ibid., I, 388.

[35]Ibid., 394-96.

[36]Any perusal of Senate, Trial, I, reveals numerous charts, lists, documents, etc., purporting to help prove either one contention or the other as noted and to show that Stanton's case either was or was not unique.

whether Stanton was covered by the provisions of the Tenure of Office Act. As they had done throughout the course of the trial, the House managers contended that he was.[37] Clinging to Butler's reasoning set forth in the opening argument, they insisted that Johnson was filling out Lincoln's term and not his own and that Stanton, therefore, as Lincoln's appointee, was covered by the law. Manager Boutwell put it simply:

> It was not a new office; it was not a new term. He succeeded to Mr. Lincoln's office, and for the remainder of Mr. Lincoln's term of office. He is serving out Mr. Lincoln's term as President. The law says that the Secretaries shall hold their offices respectively for and during the term of the President by whom they may have been appointed. . . . Mr. Stanton was appointed by Mr. Lincoln. . . .[38]

In replying to the managers' argument, the defense counsels took several different stands. Nelson was content to refer his listeners to the views expressed by Curtis in the opening argument.[39] Groesbeck, while likewise contending that Johnson was serving his own term, added the novel thought that, even if it were Lincoln's term, Stanton was a holdover from that president's previous term and that he both could and would have removed the secretary during the present term.[40] Stanbery agreed with his colleague: "Mr. Stanton never had any tenure of office

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[37]Four managers spoke in closing arguments: Boutwell, Williams, Stevens, and Bingham. In addition, Logan, acting under a privilege voted by the Senate, filed a statement.

[38]Senate, Trial, II, 93. For the statements of other managers, see ibid., 49, 221-22, 236, 450-51.

[39]Ibid., 172.

[40]Ibid., 194.

under the tenure-of-office act for the current presidential term, never having been appointed for that term by either Mr. Lincoln or Mr. Johnson."[41] As had Curtis, Evarts reminded the senators that, at the time of the Tenure Act's passage, the explanation had been given to the Senate that cabinet members such as Stanton were not meant to be included in the measure. This point had been made with no contradiction at that time amid an atmosphere of seeming agreement. The defense counsel then chided his senatorial audience:

> And I would like to know who it is in this honorable Senate that will bear the issue of the scrutiny, of the revising people of the United States on a removal from office of the President for his removal of an officer that the Senate has thus declared not to be within the protection of the civil-tenure act.[42]

At the outset of the trial, manager Butler had declared the major issue to be a scrutiny of the entire matter of the right of the president to remove executive officers from their respective positions. In closing, his fellow managers gave considerable attention to this facet. In considering the spectacle of a president able to make removals at will, Logan demanded: "If the Congress of the United States has no right . . . to fix the tenure to certain offices, and exercise their joint authority in appointments as well as removals from office, what restriction is there on the President's power?"[43] Also striking at the idea of tenure at the pleasure of the chief executive, Boutwell could not bring himself to believe that the framers of the Constitution would have given the

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[41] *Ibid.*, 369.

[42] *Ibid.*, 342-43.

[43] *Ibid.*, 42.

president power "to corrupt the civil, military, and naval officers of the country by rendering them absolutely dependent for their positions and emoluments upon his will."[44] The other managers vigorously contended that, while precedent had allowed the chief magistrate to make removals as he willed in the past, the Tenure of Office Act had changed that situation. Williams called the past practice one that had grown out of "an early and erroneous construction" of the Constitution.[45] "All the acts from 1789 down to 1867 bear witness of one thing," urged Bingham, "and that is that the Congress of the United States have full power under the Constitution by law to confer upon the President the power of temporary or permanent removal or withhold it."[46] Congress had passed a law on March 2, 1867, and, regardless of past practice, it was the president's duty to abide by that law. Both Bingham and Stevens were adamant on this point.[47]

In reply to these arguments, Johnson's defense attorneys cited the precedents that had developed during the almost eighty years since 1789. They asserted that Congress now had no constitutional right to change the situation. "I thus present to you," declared Nelson, "what I may call an unbroken current of authority in favor of the proposition that not only the civil-tenure bill is unconstitutional, but that the President had the right to remove from office."[48] The important question

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[44] Ibid., 80. [45] Ibid., 236. [46] Ibid., 442.

[47] Almost all of Bingham's lengthy speech was built around this point. For representative comments by Stevens, see ibid., 223.

[48] Ibid., 162.

to Groesbeck was,

> Is this Senate prepared to drag a President in here and convict him of crime because he believed as every other President believed, as the Supreme Court believed, as thirty-eight of the thirty-nine Congresses believed?[49]

Evarts charged that Congress, unable to find "adequate support for the pretension that the Senate could claim a share in the distinct act of removal," deliberately changed the law to its advantage.[50] Stanbery made it clear that he believed that the chief executive had the constitutional power to remove Stanton. "Whenever there is an unfaithful or improper officer," asserted the former attorney-general, "the President of the United States has not only the power but it is his duty to remove him."[51] Nothing short of a constitutional amendment could alter that situation.[52]

As is well known, the attempt to convict Andrew Johnson of the impeachment charges lodged against him failed by one vote. All of the thirty-five senators who voted "guilty" were Republicans. Of the nineteen "not guilty" verdicts, twelve had been certain from the outset--nine held by the only Democrats in the Senate and three possessed by the conservative-oriented Dixon, Doolittle, and Daniel Norton. The remaining seven were cast by heretofore accepted Republicans who braved the wrath of their colleagues to cast their ballots for acquittal.[53]

Those senators who desired to do so were allowed to file opinions explaining why they voted as they did. Most of the thirty-five men who

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[49] *Ibid.*, 206.

[50] *Ibid.*, 310.

[51] *Ibid.*, 381.

[52] *Ibid.*, 382.

[53] The seven were Fessenden (Maine), Joseph S. Fowler (Tennessee), James W. Grimes (Iowa), John B. Henderson (Missouri), Edmund Ross (Kansas), Trumbull (Illinois), and Peter Van Winkle (West Virginia).

voted against the chief executive apparently had made their decisions to do so prior to the trial, and those filing opinions therefore expressed such views toward the patronage powers of the president in general and the Tenure Act in particular as could be expected. Concerning the latter topic, the accepted view was that which had been advanced in the House's case--Stanton was within that measure, it was the law of the land, and the president, by violating it, was guilty as charged.[54] In a somewhat different approach, Senator Howe of Wisconsin conceded that the war minister was not within the provisions of the act, but at the same time he asserted his belief that Johnson's attempt to remove him was "an abuse of authority" and as such constituted an impeachable offence. "To remove a good man from office and to replace him with a bad man," he stated, "seems to me an offence against the public interests, which, if it go unrebuked, will excuse any possible offence that leaves the President outside of a penitentiary."[55]

In addition to finding the president guilty of an impeachable crime in his dealings with Stanton and to denouncing the idea that he alone possessed the right of removal,[56] a few senators elected to criticize the chief executive's use of the patronage in general. Massachusetts's

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[54]For examples of this view, see the opinions of Senators Howard, Yates, Stewart, Sumner, and Williams, in Senate, Trial, III, 38-39, 104-6, 152-53, 261-63, 348-49.

[55]Ibid., 69, 72.

[56]For some representative views on this latter point see the comments of Senators Howe, Justin S. Morrill, Stewart, and Harlan. Ibid., 64-65, 137, 152-53, 233.

two Senators were most vindictive. "To defeat the will of the people," cried Henry Wilson, "the President, in the interest of disloyalty, inequality, and injustice, sought to use the corrupt and corrupting influences of executive patronage."[57] Charging in effect that the president during the period of executive reconstruction in the South had turned public offices there over to rebels and traitors,[58] Charles Sumner also lashed out at other aspects of the chief magistrate's use of the patronage system,

> The power of removal . . . was seized as an engine of tyranny and openly employed to maintain his wicked purposes by the sacrifice of good citizens who would not consent to be his tools. Incompetent and dishonest creatures, whose only recommendation was that they echoed his voice, were appointed to office. . . .[59]

Among those senators who chose to vote for the chief executive's acquittal, there was a tendency to think alike. Almost all of them cited the precedents upon which the president's removal power was based, but at the same time they tended to fight shy of the idea that the Tenure Act was unconstitutional, as Johnson's defense had maintained. There was almost unanimous agreement, however, that Stanton was excluded from that measure. Ten of the nineteen men chose to file opinions, and of these only Van Winkle, one of the seven "recusant senators," failed to concur on this point.[60] In agreeing that Stanton was excluded from the

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[57] Ibid., 217. [58] Ibid., 257-58. [59] Ibid., 258.

[60] For aspects of Van Winkle's argument, see ibid., 147. For the nine others, see ibid., 20-21 (Fessenden), 52-53 (Johnson), 118 (George Vickers), 170 (Garrett Davis), 196 (Fowler), 244 (Doolittle), 301-2 (Henderson), 321-22 (Trumbull), 331-33 (Grimes).

Tenure Act, Doolittle commented, "I think that opinion will command the assent of nine-tenths of the legal profession of the whole country."[61] While intending to use the Tenure of Office Act to deny the president the use of the patronage system, the Radicals had left this one small loophole and then compounded their mistake by trying to build an impeachment case around it. This error allowed Andrew Johnson to avoid becoming the first and only American president to be removed from office for high crimes and misdemeanors.

Sensing the failure of the impeachment effort even before the final vote was taken, the New York Times gave an appraisal of the situation with which succeeding generations have generally agreed. Pushing the point that impeachment had been urged upon the Republican party by its extremist element, the Times declared that that effort had been "the reckless device of the Radical section of that party, intended to put the patronage of the Nation into its hands and to give it the absolute and complete control of the Republican sentiment and the policy of the country."[62] Denied final success in their effort and foreseeing new possibilities with the coming of Grant to the presidential office, the Radicals were content to allow Johnson to rid himself of Stanton. He

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[61] Ibid., 244.

[62] Editorial, New York Times, May 13, 1968.

then passed his last few months in office in relative peace, although the Senate continued to reject some of his nominations.[63]

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[63]On April 24, Johnson had submitted to the Senate the name of Brevet Major General John M. Schofield, the former First District commander, as his nominee for the position of secretary of war. This move apparently was encouraged by Evarts, who saw the nomination of the moderate Schofield as a way to assure Republican moderates that, if they voted for Johnson's acquittal, the president would not seek revenge upon the Radicals. James Lee McDonough and William T. Alderson, "Republican Politics and the Impeachment of Andrew Johnson," Tennessee Historical Quarterly, XXVI (Summer, 1967), 177-83. Schofield subsequently was accepted by the Senate for the secretaryship. That body also accepted Evarts as the new attorney-general after rejecting Johnson's renomination of Stanbery. Milton, Age of Hate, 634.

CHAPTER VII

IN SEARCH OF A POLICY

In attempting to understand Andrew Johnson's use of the patronage, there is a strong temptation to agree with one writer who, while studying another aspect of the era, at one point exclaimed in exasperation that "searching for the motives that impelled Andrew Johnson is at times like searching for a propulsion mechanism in a fogbank."[1] That search can be somewhat less difficult, however, if two terms as they related to the seventeenth president are kept firmly in mind: democracy (both in the party and historic sense) and individualism.

During the course of the impeachment trial, Thaddeus Stevens presented a theme which was repeated both before and after that time: betrayal of the Republican party. "After the death of Mr. Lincoln," asserted the House manager, "Andrew Johnson had changed his whole code of politics and policy, and instead of obeying the will of those who put him into power, he determined to create a party for himself, to carry out his own ambitious purposes."[2] Such statements as this one were based upon a questionable assumption, namely, that Johnson owed allegiance to the Republican party and was obliged to work within its organization.[3]

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[1]Sefton, Army and Reconstruction, 117. [2]Senate, Trial, II, 228-29.

[3]One recent scholar seemed to be adopting much the same line of reasoning when he declared that one of the purposes of his work was to show how Andrew Johnson "threw away his own power . . . as party leader." McKitrick, Andrew Johnson, 14.

Yet the fact stands that he was not a Republican, had never been a Republican, and never claimed to be a Republican, not even in 1864 when he was selected as Lincoln's running-mate on the National Union (not Republican) ticket. "Who is the President of the United States?," thundered T. A. R. Nelson during the 1868 trial:

> A democrat of the straightest of strict constructionists; an old Jacksonian, Jeffersonian democrat; a man who proclaimed his democracy in the very letter of acceptance which he wrote at the time when he was nominated for the Vice-Presidency; a man who told you and who told the whole country in that letter that he was a democrat. . . .[4]

Nelson was right. The issue of secession had forced Andrew Johnson to part company with the bulk of his party in 1860-61 and, as a senator and military governor, he had stood strong for the Union throughout the course of the war. He remained at heart, however, a Democrat and at the war's end he was ready to forgive and forget and to get on with politics as usual. The problem was that the divisions caused by the war had sapped greatly the strength of the Democratic organization, and the one sure way to revive it was to get the southern states, the traditional stronghold of the Democracy, restored to the Union as quickly as possible. For that reason, perhaps the Radical charges that the aim of presidential reconstruction was to do just that should not be dismissed as lightly as some pro-Johnson historians have tended to do.

Remembering Nelson's point that Johnson was a Democrat of the Jacksonian persuasion goes a long way in explaining those changes in

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[4]Senate, Trial, II, 123.

officeholding which he did make, or at least attempted to make, while president. If he indeed was working on the assumption of resuming political practices as they had been before the war, patronage changes were to be expected. Perhaps then his often quoted remarks about kicking out officeholders which were made at Cleveland and St. Louis during the famous "swing around the circle" have been viewed in the wrong light. Rather than looking at them solely in the context of the Radical-Conservative struggle than taking place, they should be seen in the way Johnson explained them at the time. Here were men who had been in office for four or five years or more. Under the Jacksonian standards to which Johnson subscribed, they had enjoyed the emoluments of office long enough and others now should have the same chance. Of course, the times were not normal and Radical politicians were astonished that the chief executive should try to turn out of office men of proven Union and party loyalty. What did not occur to them was that he might be acting under another set of values and that they should be surprised not that he was attempting to bring about changes among officeholders but rather that he was not seeking to make more changes than he did. Only consideration of the special political conditions created by the immediate postwar situation which presented few viable alternatives probably kept him from adopting a more proscriptive patronage policy.[5]

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[5]One reconstruction historian has accused Johnson of practicing "the politics of nostalgia." He contends that the president was living in a static world in which the ideas of Jefferson and Jackson were sufficient guides and the Democratic party was still the best one to lead the nation. Stampp, Era of Reconstruction, 54. For comments on Johnson's Jacksonian convictions, see Chapter II.

Johnson's patronage moves, as well as his actions in other areas, cannot be explained by saying simply that he was a Democrat in the party sense. He also believed in historic democracy, a phenomenon that calls for faith in the people, believing that they will express their wishes through the voice of the majority and that that voice will be saying what is best for the society as a whole. Andrew Johnson had that faith and it helped dictate his actions throughout his political career.

As was noted in an earlier chapter, Johnson at times worked outside the bounds of the Democratic party. The reason was that he so identified himself with the people that he, like Jackson, tended to equate his aims and desires with those of the people and thus with democracy. If the result then ran counter to what the other Democratic party leaders wanted, he simply took his case to the people in the belief that they would sustain him. During his early political career, this concern for what he felt the people wanted helped him to build an eager following, first among the Democrats of Greene County and then those of the First Congressional District.[6] These people apparently tended to view him as the Democratic party and vice versa. In the 1850's, he was successful in transferring this concept to the state level and thus became the gubernatorial candidate of the rank-and-file of the party in opposition to the designs of the party leaders.[7] It was only natural

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[6]Temple, Notable Men, 369, 371; Graf and Haskins, Johnson Papers, I, xxvii.

[7]For details, see Abernethy, From Frontier to Plantation, 314-16.

therefore that in early 1861 he should take the attitude that the only way to save Tennessee for the Union was to build a following around himself and he used Lincoln's patronage accordingly. There was little in his subsequent actions as military governor to indicate that he underwent any fundamental change in heart immediately prior to becoming president.

It was then with carefully cultivated prior notions that Andrew Johnson ascended to the presidency in 1865. Within twelve months, he found his program stalled and, as he had done many times in Tennessee politics, he turned to the people to sustain him. Because needed support on several occasions had been rallied by building an organization centered around himself, he was not averse to the idea of the National Union movement when it was developed by his adherents.

While encouraging the National Union effort, Johnson soon bewildered his followers by refusing to use the one weapon which they considered vital to building a party to sustain him, the federal patronage. This bafflement led both friend and foe, both then and later, to charge him with a fatal procrastination or constitutional inaction. Those who did so, however, were probably greatly underestimating him. It never occurred to them that he simply might comprehend some things which his supporters did not. The problems presented by use of the patronage system to build a new party were of such magnitude that any possible advantage that could be gained was more than offset by the evil consequences caused by turning large numbers of people out of office in an election year. No more than Tennessee had been saved for the Union in 1861 by the massive application of federal patronage could the North

have been won for Andrew Johnson in 1866 by the same means. He apparently sensed this fact and the general proscription which many of his followers so vociferously wanted did not take place. Such tampering with the system as did occur largely ceased after the desires of the people had been voiced through the 1866 balloting.

Andrew Johnson's democracy was not the only thing which directed his presidential activities. Indeed, perhaps his political convictions were not as important in determining his course of action as was the fact that he was very decidedly an individualist. The nineteenth century abounded in examples of the rugged individualism to which so many American politicians in this twentieth century still pay lip-service. By virtue of the plebeian background of which he was so proud and his many-sided personality, the seventeenth president was a prime example.

What were some of the characteristics of his personality? Honesty, integrity, courage, and singleness of purpose have been emphasized by his friends. Egotism, obstinacy, and bull-headedness have been the terms with which his detractors have replied. Yet, to attempt to isolate and present one set of attitudes or the other would be doing Andrew Johnson a disservice because he was a complex person who on occasion manifested all of these traits.

The decisively pro-Union speeches of a southern senator in 1860-61, the activities of a military governor in often hostile surroundings between 1862 and 1865, a willingness to run the risk of impeachment in an attempt to test the constitutionality of a questionable law, an unruffled, business-as-usual attitude while on trial--such things as these

bore testimony to Johnson's political courage. Devotion to the Constitution and to the Union of all the states was the guiding principle of his presidential administration. Honesty and integrity were the hallmarks of his dealings with the people who came into contact with him.

To identify honesty and integrity prominently with Andrew Johnson is to run the risk of sounding suspiciously like a Stryker or Winston. There is much about his patronage activities, however, that can satisfactorily be explained only in the light of these admirable qualities. Johnson was an open and avowed Democrat who had been placed in the second spot on what proved to be a successful coalition (National Union) ticket. The Republican who had headed that ballot suddenly lost his life shortly after taking office, thus making Johnson the nominal head of an organization which had as its other prominent leaders Republicans who were, or increasingly became, of Radical persuasion. All went well at first, but as the complexities of the reconstruction situation began to assert themselves, he found himself more and more out of step with the Radicals. In 1866, an abortive attempt was made to build a third party centered around him. What feasible alternative then was left? The logical answer obviously would have been to turn to his old party and use the executive patronage at his command to increase that party's influence on the national level. The Democratic leaders both expected and implored him to do so. Yet, he steadfastly refused to make such a move, and this action or inaction probably cost him the Democratic presidential nod in

1868.[8] What political practicality dictated, honesty and integrity prevented. The 1864 Democratic national slate of candidates had been rejected by the voters. Although Johnson himself was a Democrat, he had not been elected to office as such, and he therefore would not conduct himself as a Democratic president.

Because the president possessed these commendable qualities and conducted his activities accordingly, he made the rather fallacious assumption that those with whom he dealt also had them. This attitude caused him to hesitate about asking for the resignations of cabinet members who had deserted to the Radical cause but had not openly declared such sentiments to him. It also led him to turn a deaf ear to the charges of corruption in office that began to be heard in the latter part of his administration.

One of the characteristics of U. S. Grant's administration was corruption in public office. What sometimes is overlooked is the fact that some of the scandals which came to light in the Grant era partially developed during the Johnson administration. A particularly noteworthy example was the notorious whiskey frauds which became fully evident during Grant's time. Reports of such activities were circulating openly at least as early as 1868. In taking note of a congressional report citing corruption in the collection of taxes from whiskey sales, the New

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[8]The New York Times, prior to the Democratic convention, saw little chance for Johnson to secure the nomination. The reason was simple: "He has never surrendered the patronage of his office to the control of the party. He has never made its leaders his special advisers or allowed them to dictate either his policy or his action." Editorial, New York Times, June 24, 1868.

York Tribune in an undoubtedly partisan attack, charged "The Commissioner of Internal Revenue, the Secretary of the Treasury, have repeatedly urged the dismissal of dishonest revenue officers, but the President protects them."[9] In discussing the activities of the so-called "whiskey ring" in particular and corruption in general, the Times pointed to a powerful lobby present in Washington with the purpose of securing appointments. Asserted that organ:

> We do not suppose the President is ever consciously influenced by these men, but it is a fact which must be admitted that the business of office brokerage has increased to a shameful extent during President Johnson's administration. And it must also be acknowledged that the men who engage in it are frequenters of the White House, and do have, or profess to have, interviews with the President on the subject of appointments to office.[10]

No one who has made a detailed study of Johnson's life can maintain that he was corrupt or that he knowingly would help corruption prosper. The evidence of official infidelity cannot properly be laid at his doorstep or even perhaps at those of his immediate advisers, but his obvious lack of knowledge and experience with the conduct of patronage on the national level undoubtedly permitted persons of questionable character to gain public office in 1865 and 1866 and helped pave the way for later frauds.

Courage, singleness of purpose, honesty and integrity constituted

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[9]Editorial, New York Tribune, March 13, 1868. Rumors concerning the existence of a "whiskey ring" actually had been circulating since the last years of the Lincoln administration. Patrick, Reconstruction, 188.

[10]Editorial, New York Times, June 27, 1868. There apparently was a great deal of pardon brokerage in the aftermath of Johnson's 1865 amnesty proclamation, but evidence to support the Times charge of office brokerage is scanty.

one aspect of Johnson's individuality, but there was the other side. An inordinate pride in his own background led to a tendency toward great self-esteem. This egotism was evident in his absolute confidence that he was right and Congress was wrong about reconstruction. It can be seen on the patronage level in the official advisers with whom he surrounded himself. The holdovers from Lincoln's cabinet for whom he displayed the greatest personal affection, Welles and Seward, tended almost always to agree with him. The men whom he brought into his cabinet in 1866 had shown an unswerving loyalty toward him and would say only what he wanted to hear. One key consideration concerning his desire to replace Stanton was that the secretary was unwilling to follow his lead on the major issue of the day.

Johnson's obstinacy and bull-headedness encourages the conclusion that some of his actions can be explained only as having been dictated by "simple cussedness."[11] Certainly, many of his exasperated followers must have felt inclined toward such a theory to explain why he refused to use the patronage in 1866. The Democratic leaders probably felt that was the only explanation that could be offered for his refusal to surrender the system to them in the latter part of his term of office. It seems to be about the only thing to say about his determination to

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[11]This term was the only explanation one historian could find to explain why Johnson would ask Congress in December, 1867, publicly to commend General Hancock for having issued an order in the Fifth District declaring that the civil government was supreme over the military, an attitude directly opposite to the one expressed by the second supplementary reconstruction act. McKitrick, Andrew Johnson, 499-500.

rid himself of Stanton despite the advice of almost all of those close to him.

After the Senate reinstated the secretary to his position in January, 1868, Grant returned the office to him. This action left him in possession of the official place of the secretary of war in the War Department building but of little else. He dared not attend cabinet meetings, and he could not function properly without presidential recognition of his status. Yet, simply his physical possession of the war minister's offices seemed to infuriate Johnson and made him determined to do something about it. To do so, he had to defy the Tenure of Office Act and the Senate's official January action, which he did. In the ensuing drama of his impeachment and trial, he had on his side precedent; the House had law. In this context, the latter had the better part of it, but the president escaped conviction because a sufficient number of senators were unable to bring themselves to believe that the provision covering the cabinet could be extended to Stanton and the other Lincoln holdovers. Stanton then was forced to quit his position and that one fact might have been to Johnson the most satisfying part of the whole affair.

In viewing Johnson's patronage activities as a whole, it must be concluded that his policy was pragmatic and variable rather than concrete and definite. Decisions apparently were made on the demands of the immediate situation and of the case in question rather than in line with a defined policy. The president's own political position and strong individualistic turn dictated this stance. A Jacksonian Democrat by

political persuasion, the to-be-expected impulse to practice rotation in office was thwarted by the unusual political circumstances following the war in which one party was seriously weakened because of its compromising stand during that conflict, and the other was united in the desire to extract guarantees before the situation was returned to normal. Prevented by his own honesty and integrity from giving patronage aid to the Democratic party, his unwillingness or inability to compromise with the Radical wing of the Republican party drove him into an increasingly isolated position. This self-imposed isolation was described by the New York Times shortly after his acquittal:

> He has been in the main independent of all outside dictation and advice; probably we have never had in this country before, a President who deterred to the opinions of others so little, and who had such unconquerable faith in his own, as Mr. Johnson.[12]

Andrew Johnson probably was not displeased with this evaluation of his presidential career.

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[12]Editorial, New York Times, June 24, 1868.

BIBLIOGRAPHY

BIBLIOGRAPHY

PRIMARY SOURCES

A. MANUSCRIPT COLLECTIONS

Ewing Family Papers, Library of Congress, Washington, D.C.

William Pitt Fessenden Papers, Library of Congress, Washington, D.C.

James A. Garfield Papers, Library of Congress, Washington, D.C.

Andrew Johnson Papers, University of Tennessee, Knoxville, Tennessee.

Hugh McCulloch Papers, Library of Congress, Washington, D.C.

William H. Seward Papers, University of Rochester, Rochester, New York.

John Sherman Papers, Library of Congress, Washington, D.C.

Lyman Trumbull Papers, Library of Congress, Washington, D.C.

Elihu Washburne Papers, Library of Congress, Washington, D.C.

Thurlow Weed Papers, University of Rochester, Rochester, New York.

Gideon Welles Papers, Library of Congress, Washington, D.C.

B. PRINTED SOURCES

Adams, Charles Francis, ed., The Works of John Adams, Second President of the United States. 10 vols. Boston, 1850-1856.

Beale, Howard K., ed., The Diary of Gideon Welles. 3 vols. New York, 1960.

Bigelow, John, ed., Letters and Literary Memorials of Samuel J. Tilden. 2 vols. New York, 1908.

Blaine, James G., Twenty Years of Congress: From Lincoln to Garfield. 2 vols. Norwich, Conn., 1886.

Depew, Chauncey M., My Memories of Eighty Years. New York, 1922.

Fleming, Walter L., Documentary History of Reconstruction. 2 vols. New York, 1950.

Hamilton, Alexander, James Madison, and John Jay, The Federalist Papers. Mentor edition. New York, 1961.

Hinsdale, Burke A., ed., The Works of James Abram Garfield. 2 vols. Boston, 1882.

Hoar, George F., Autobiography of Seventy Years. 2 vols. New York, 1905.

Kearney, Kevin E., ed., "Autobiography of William Marvin," Florida Historical Quarterly, XXXVI (January, 1958), 179-222.

McCulloch, Hugh, Men and Measures of Half a Century: Sketches and Comments. New York, 1888.

Moore, Frank, ed., The Rebellion Record: A Diary of American Events. 11 vols. New York, 1861-1868.

Peters, Richard, Reports of Cases Argued and Adjudged in the Supreme Court of the United States: January Term, 1839. Philadelphia, 1839.

Quaife, Milo M., ed., The Diary of James K. Polk during his Presidency, 1845 to 1849. 4 vols. Chicago, 1910.

Randall, James G. and Theodore C. Pease, eds., The Diary of Orville Hickman Browning. 2 vols., Springfield, Ill., 1925, 1933.

Richardson, James D., A Compilation of the Messages and Papers of the Presidents, 1789-1897. 10 vols. Washington, 1896-1899.

Savage, John, The Life and Public Services of Andrew Johnson, Seventeenth President of the United States. New York, 1866.

Sioussat, St. George L., ed., "Notes of Colonel W. G. Moore, Private Secretary to President Johnson, 1866-1868," American Historical Review, XIX (October, 1913), 98-132.

White, Robert H., Messages of the Governors of Tennessee. 7 vols. to date. Nashville, 1952- .

C. GOVERNMENT PUBLICATIONS

Annals of Congress, First Congress, 1 session.

Biographical Directory of the American Congress, 1774-1961. House Document No. 422, 85 Congress, 2 session. Washington, 1961.

Congressional Globe, 39, 40 Congresses.

Index to the Senate Executive Documents, 39 Congress, 1 session. 2 vols. Washington, 1866.

Secretary of the Interior, Register of Officers and Agents, Civil, Military, and Naval, in the Services of the United States on the Thirtieth September. 1861, 1865, 1867 editions.

United States Senate, The Constitution of the United States of America: Analysis and Interpretation. Washington, 1952.

United States Senate Executive Journal. Vol. XV (December 3, 1866-November 27, 1867).

United States Senate, Trial of Andrew Johnson, President of the United States, on Impeachment by the House of Representatives for High Crimes and Misdeameanors. 3 vols. Washington, 1868.

D. NEWSPAPERS AND PERIODICALS

Nation, April, 1865-March, 1869.

New York Times, April, 1865-March, 1869.

New York Tribune, April, 1865-March, 1869.

SECONDARY SOURCES

A. BOOKS

Abernethy, Thomas P., From Frontier to Plantation in Tennessee: A Study in Frontier Democracy. Chapel Hill, 1932.

Baxter, Maurice G., Orville H. Browning: Lincoln's Friend and Critic. Bloomington, Ind., 1957.

Beale, Howard K., The Critical Year: A Study of Andrew Johnson and Reconstruction. New York, 1958 [1930].

Brock, W. R., An American Crisis: Congress and Reconstruction, 1865-1867. Harper Torchbook edition. New York, 1963.

Carman, Henry J., and Reinhard H. Luthin, Lincoln and the Patronage. New York, 1943.

Coleman, Charles H., The Election of 1868: The Democratic Effort to Regain Control. New York, 1933.

Cox, John H., and LaWanda, Politics, Principle, and Prejudice, 1865-1866: Dilemma of Reconstruction America. Glencoe, N. Y., 1963.

Dewitt, David Miller, The Impeachment and Trial of Andrew Johnson. Madison, Wisc., 1967 [1903].

Donald, David, The Politics of Reconstruction, 1863-1867. Baton Rouge, 1965.

Dorris, Jonathan T., Pardon and Amnesty under Lincoln and Johnson: The Restoration of the Confederates to their Rights and Privileges, 1861-1868. Chapel Hill, 1953.

Dunning, William A., Essays on the Civil War and Reconstruction and Related Topics. New York, 1898.

_____, Reconstruction: Political and Economic, 1865-1877. New York, 1907.

Fish, Carl Russell, The Civil Service and the Patronage. Cambridge, 1904.

Flick, Alexander C., Samuel Jones Tilden: A Study in Political Sagacity. New York, 1939.

Folmsbee, Stanley J., Robert Corlew, and Enoch L. Mitchell, History of Tennessee. 4 vols. New York, 1960.

Graf, LeRoy P. and Ralph W. Haskins, eds., The Papers of Andrew Johnson. 1 vol. to date. Knoxville, Tenn., 1967- .

Hall, Clifton R., Andrew Johnson, Military Governor of Tennessee. Princeton, N. J., 1916.

Hamer, Philip M., Tennessee: A History, 1673-1932. 2 vols. New York, 1933.

Harris, William C., Presidential Reconstruction in Mississippi. Baton Route, 1967.

Hoogenboom, Ari, Outlawing the Spoils: A History of the Civil Service Reform Movement, 1865-1883. Urbana, Ill., 1961.

Kent, James, Commentaries on American Law. Ninth edition. 4 vols. Boston, 1858.

Kibler, Lillian A., Benjamin F. Perry: South Carolina Unionist. Durham, N. C., 1946.

Korngold, Ralph, Thaddeus Stevens, A Being Darkly Wise and Rudely Great. New York, 1955.

Lefler, Hugh T., History of North Carolina. 2 vols. New York, 1956.

McCoy, Charles A., Polk and the Presidency. Austin, 1960.

McKitrick, Eric L., Andrew Johnson and Reconstruction. Chicago, 1964.

McPherson, Edward, The Political History of the United States of America during the Period of Reconstruction. Washington, 1880.

Malone, Dumas and Allen Johnson, eds., Dictionary of American Biography. 22 vols. and index. New York, 1928-1958.

Marx, Fritz Morstein, ed., Elements of Public Administration. Second edition. Englewood Cliffs, N. J., 1959.

Milton, George Fort, The Age of Hate: Andrew Johnson and the Radicals. New York, 1933.

National Cyclopaedia of American Biography. 49 and A-K vols. to date. New York, 1893- .

Oberholtzer, Ellis Paxson, A History of the United States Since the Civil War. 5 vols., New York, 1917.

Patrick, Rembert W., The Reconstruction of the Nation. New York, 1967.

Randall, James G. and David Donald, The Divided Union. Boston, 1961.

Sefton, James E., The United States Army and Reconstruction, 1865-1877. Baton Rouge, 1967.

Smith, William E., The Francis Preston Blair Family in Politics. 2 vols. New York, 1933.

Stahl, D. Glenn, Public Personnel Administration. Fifth edition. New York, 1962.

Stampp, Kenneth M., The Era of Reconstruction, 1865-1877, New York, 1965.

Stanwood, Edward, A History of the Presidency from 1788 to 1897. New York, 1898.

Story, Joseph, Commentaries on the Constitution of the United States with a Preliminary Review of the Constitutional History of the Colonies and States before the Adoption of the Constitution. Fourth edition. 2 vols. Boston, 1873.

Temple, Oliver P., Notable Men of Tennessee from 1833 to 1875: Their Times and their Contemporaries. New York, 1912.

Thomas, Benjamin P., and Harold M. Hyman, Stanton: The Life and Times of Lincoln's Secretary of War. New York, 1962.

Van Deusen, Glyndon G., William Henry Seward. New York, 1967.

West, Richard S., Jr., Gideon Welles: Lincoln's Navy Department. New York, 1943.

White, Leonard D., The Federalists: A Study in Administrative History, 1789-1801. New York, 1948.

_____, The Jacksonians: A Study in Administrative History, 1829-1861. New York, 1954.

_____, The Jeffersonians: A Study in Administrative History, 1801-1809. New York, 1951.

Winston, Robert W., Andrew Johnson, Plebeian and Patriot. New York, 1928.

B. ARTICLES

Caskey, W. M., "The Second Administration of Governor Andrew Johnson," East Tennessee Historical Society's Publications, II (1930), 34-54.

Cross, Claude B., "The Removal Power of the President and the Test of Responsibility," Cornell Law Quarterly, XL (Fall, 1954), 81-93.

Graf, LeRoy P., "Andrew Johnson and the Coming of the War," Tennessee Historical Quarterly, XIX (September, 1960), 208-21.

Hartman, William, "Custom House Patronage and Lincoln," New York Historical Society Quarterly, XLI (October, 1957), 440-57.

Henry, J. Milton, "The Revolution in Tennessee, February, 1861 to June, 1861," Tennessee Historical Quarterly, XVIII (June, 1959), 99-119.

Hyman, Harold M., "Johnson, Stanton, and Grant: A Reconsideration of the Army's Role in the Events Leading to Impeachment," American Historical Review, LXVI (October, 1960), 85-100.

McDonough, James Lee and William T. Alderson, "Republican Politics and the Impeachment of Andrew Johnson," Tennessee Historical Quarterly, XXVI (Summer, 1967), 177-83.

Morrill, III, James Roy, "North Carolina and the Administration of Brevet Major General Sickles," North Carolina Historical Review, XLII (Summer, 1965), 291-305.

Nichols, Roy F., "A Great Party Which Might Have Been Born in Philadelphia," The Pennsylvania Magazine of History and Biography, LVII (October, 1933), 359-74.

Phifer, Gregg, "Andrew Johnson Versus the Press in 1866," East Tennessee Historical Society's Publications, XXV (1953), 3-23.

Russell, Robert G., "Prelude to the Presidency: Election of Andrew Johnson to the Senate," Tennessee Historical Quarterly, XXVI (Summer, 1967), 148-76.

Schell, Herbert S., "Hugh McCulloch and the Treasury Department, 1865-1869," Mississippi Valley Historical Review, XVII (December, 1930), 404-21.

APPENDIX

TABLE I

REMOVALS UNDER JOHNSON, 1866-1867[a]

	Removal Mentioned	Name of Last Occupant but not Cause of Vacancy[b]	Failure to Reappoint	Appointment Vice Nonacting or Temporary Appointee	Commissioned During Recess
Ministers, etc.	2				
Secretaries of Legations	1				
Consuls	8				
Attorneys	2				
Marshals	3				
Collectors of Customs	10	1	1	1	8
Surveyors of Customs	9		1	3	3
Naval Officers	2			1	1
Appraisers of Merchandise	2				
Inspectors of Steamships	2				
General Land Office			1		3
Surveyor-General			1		2
Registers of Land Offices	1				24
Receivers of Public Monies			4		20
Territorial Officials	4		1		
Indian Agents, etc.	1				19
Treasury & Mint Officials	1				
Pension Agents		1	1		
Internal Revenue Assessors	103	1		(55)[c]	4
Internal Revenue Collectors	92		1	(47)[c]	6
Postmasters	82	71	9	7	
D. C. Officials	2				1
Commissioners of Agriculture	1				
TOTALS	328	75	20	12	91

[a]These figures are based upon the nominating messages received by the Senate between December 3, 1866, and April 20, 1867, and thus to a large degree are reflective of removals made by Johnson during the course

TABLE I (continued)

of the 1866 congressional campaign. The source for these figures is the United States Senate Executive Journal, XV, 1-784.

[b]In some nominating messages, Johnson mentioned the name of the person being replaced but did not state the reason (death, resignation, removal, etc.) for the vacancy.

[c]This figure should be almost wholly discounted because most of these persons had only temporary commissions and were probably replacements for undesirable assessors/collectors whose proposed successors had been rejected by the lame duck Thirty-ninth Congress. Also, several positions in this group undoubtedly were counted more than once because of the confused wording of executive messages to the Fortieth Congress concerning persons in this category. Apparently, each time a replacement for the temporary appointee was rejected or withdrawn, the next nominating message, instead of following the normal practice of referring to the last person nominated and his fate (rejected, withdrawn, etc.), referred to the temporary appointee. For these reasons, this figure is not a part of the totals given in Chapter III or above.

TABLE II

SENATE ACTION ON JOHNSON NOMINATIONS,
DECEMBER 3, 1866-APRIL 20, 1867[a]

	Confirmed	Rejected
Ministers, etc.	8	8
Secretaries of Legations	6	
Consuls	70	15
Attorneys	27	19
Marshals	25	15
Collectors of Customs	36	25
Surveyors of Customs	29	32
Naval Officers (incl. Storekeepers)	11	15
Appraisers of Merchandise	6	2
Inspectors of Steamships	4	1
General Land Office	5	
Surveyor-General	7	2
Registers of Land Offices	34	19
Receivers of Public Monies	44	20
Territorial Officials	8	8
Indian Agents, etc.	25	14
Treasury & Mint Officials	9	1
Pension Agents	23	20
Internal Revenue Assessors	115	157
Internal Revenue Collectors	113	148
Postmasters	439	337
D.C. Officials	15	15
Others	10	4
TOTALS	1069	877

[a]These figures are based upon a personal count of the persons listed in the index of the United States Executive Journal as having been nominated for various executive positions. They will not coincide with those given in Table I because vacancies occurred for many reasons other than removal (death, resignation, transfer, etc.).

VITA

James Lewis Baumgardner was born in Bristol, Tennessee, on January 26, 1938. Educated in various elementary schools in Tennessee, Virginia, and South Carolina, he was graduated from Bluff City High School, Bluff City, Tennessee, in 1955. The following September, he entered Bluefield Junior College and in 1957 transferred to Carson-Newman College, receiving a Bachelor of Arts degree in History in May, 1959. He subsequently enlisted in the United States Army, from which he was honorably discharged after three years of service. In September, 1962, he entered the Graduate School of the University of Tennessee, holding a graduate assistantship. In August, 1964, he received his Master of Arts degree. He is a member of Phi Alpha Theta and several professional organizations.

He is married to the former Maxine Manning of Sevierville, Tennessee, and has one daughter.