CHAPTER XV

THE STORM BEFORE THE CALM

The Tennessee Radicals, led by Brownlow, had beat down all opposition and had gained complete supremacy; the national Radicals under the leadership of Thaddeus Stevens and Charles Sumner, had seized control of the nation, but they were annoyed with having Andrew Johnson around as President. As early as January, 1867, they had decided to get rid of him if possible, by impeachment. Their first efforts to start proceedings against him failed for lack of probable evidence, but after a year of scrutiny during which Johnson committed more crimes in his dismissal of Stanton, his Secretary of War, the House voted impeachment on February 24, 1868, and made preparations to try the case before the Senate.

Brownlow and the Tennessee Radicals were jubilant. They had been as anxious to dispose of their adopted son as had the Congressional oligarchy. On February 7, 1867, the Tennessee senate had called on the President's son-in-law, Senator Patterson, to resign, as he had deserted the party that had elected him, and a few weeks later the Radical convention in Nashville had struck at the President himself, by endorsing "any action of Congress that will legitimately deprive him of continued power." Brownlow had long known that Johnson had committed all the high crimes and misdemeanors required for the impeachment and removal of the President, and that added to a long list of others, he had scared away immigrants from Tennessee. In addition the Parson attributed "the violence of these pestilential disloyalists to the insane policy of the President..."¹

Brownlow and his Radicals watched closely events in Washington and when Stanton reinstated himself in the President's

cabinet after Grant had supinely withdrawn, the Tennessee legislature on January 29, 1868, resolved that it had heard "with feelings of mingled pleasure and delight" of Stanton's return to the cabinet. Brownlow, in Tennessee, prayed for Johnson's removal; Stevens, in Washington, worked for it. They were much alike in opinions, ability to hate, and in health. To a mutual friend returning to Tennessee, Stevens said, "Give the Governor my respects; tell him I hope he will be restored to health and live a long time, and that I say when he dies to die Hurrahing." The legislature had instructed the Tennessee Congressmen in the House to vote for the impeachment and now they expected their Senators to vote removal.

There was no doubt in Brownlow's mind that Johnson would be hurled out of office. "The award is light compared with the magnitude and character of his offences," the Parson declared. Brownlow shared Ben Wade's joy at the prospect of becoming President. "Wade" said the Parson, "will be President ad interim, whilst JOHNSON will be President ad interim. . . . And the swarm of rebel office-holders under him will roost lower down than they have been doing!" But if by any possible chance, Johnson should not be removed, Brownlow declared the Tennessee Rebels would start another rebellion, seize the state, and reenslave the Negroes.

When the terrible news reached Tennessee that the President had been acquitted, and only by one vote, the Parson took what hope he could from the fact that the Senate would soon ballot again on other counts; but when Johnson was again saved by one vote, Brownlow was enormously disappointed and chagrined, for both Tennessee Senators had voted to acquit Johnson, when if either one had held true the President would have been ousted. Brownlow felt the acquittal of Johnson as keenly.

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3 Knoxville Whig, February 19, 1868.
4 Ibid., March 18.
5 Ibid., May 13.
6 Ibid., April 22.
7 Brownlow did not know that other Senators stood ready to sacrifice themselves to national vengeance by voting to acquit Johnson, if their votes should have been necessary.
as if it had been a personal defeat; he as well as all Tennessee was now disgraced in the eyes of the country. He wrote in June, "Tennessee, including Johnson, Patterson & Fowler, have acted so treacherously that I am ashamed to ask the loyal North any longer to confide in any of us." To add further to his woes, Thaddeus Stevens soon died. The legislature resolved on August 14 that it heard with profound sorrow the news of his death, and that out of the respect it held for the memory of the great Radical leader it ordered its members to wear on their left arm mourning signs for thirty days. As the following Thanksgiving Day approached and Johnson issued his Thanksgiving Proclamation, the Parson decided that Tennessee could not be thankful for those things that pleased the President, so he published his own proclamation.

The disfranchised Tennesseans had long been unable to see much for which they should be thankful. To be deprived of the right to vote was degrading enough, but to see their former slaves placed in a position of power to rule over them seemed unbelievable. The Negroes, true enough, were under the control of the Radical minority, but if this control should weaken, Tennessee might be converted into another Haiti. Not only were a majority of Tennesseans denied the right to vote, they were also deprived of the elementary civil right of serving on juries. Brownlow had secured the passage of this law to protect Union men and Negroes from the vengeance of Rebel juries. In 1866, he had declared that he believed a fourth of the people in the penitentiary had been put there unjustly, because of their color or antecedents. Hence he had been pardoning them, but he should prefer making pardoning unnecessary by keeping Rebels off juries. Answering the bitterness produced by this act, the Whig said, "Over the passage of this law the uncircumcised rebels of this State howl like so many prairie wolves, and yet

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8 Letter to F. J. Deer, June 22, 1868, in the Brownlow MSS in the Library of Congress.
10 Knoxville Whig, October 28, 1868.
it is one of the best laws enacted by this General Assembly."\textsuperscript{11}

Though the Parson no longer could plead that he was staying the vengeance of Rebel juries, he continued to pardon criminals in increasing numbers—a practice generally regarded as one of the first unmistakable signs of disintegration in the integrity of chief executives. Brownlow was charged with pardoning Radicals as fast as they were convicted, regardless of the crime.\textsuperscript{12} During the early months of 1868, he pardoned about 250 criminals. Such an outcry resulted that he offered as an explanation and defense the recommendation of the legislature that more pardons be granted. He admitted the possibility of a few mistakes, but for the most part he had pardoned those people convicted of petty offenses or because they were Radicals.\textsuperscript{13} But there were many Tennesseans who felt that the crimes had been enormous and that life would be made doubly insecure if the pardoning business were unchecked. General Forrest testified before a Congressional committee, on the dangerous situation that had arisen out of pardoning Negroes: "Ladies were ravished by some of these negroes, who were tried and put in the penitentiary, but were turned out in a few days afterwards."\textsuperscript{14}

The Black Peril was increasing as the days went by. Emboldened by the prospect of pardons the Negroes were letting their animal natures go unrestrained. In politics they were becoming increasingly bold. In the latter part of January, 1868, the Negroes were given the right to hold office and to sit on juries, and in the following March common carriers were forbidden to make the distinction of color in the services they rendered. The U L A, which was the short designation for the Union League of America and which would rhyme with K K K, was more deeply and widely entrenching itself throughout the state; and under the patronage of Brownlow it was waxing

\textsuperscript{11} Ibid., November 7, December 5, 1866; Noted Men of the Solid South, pp. 189-90.
\textsuperscript{12} Ku Klux Conspiracy, I, 421.
\textsuperscript{13} Knoxville Whig, April 22, 1868.
\textsuperscript{14} Ku Klux Conspiracy, XIII, 7.
strong and menacing. The state organization was subdivided into councils, and to do honor to the Parson, the unit at Knoxville was called the Brownlow council. The Parson was proud of this organization; occasionally he made trips through the outlying districts to visit the various councils and to instruct them in their politics and other duties. It was forcibly impressed upon the Negroes that if they expected to engage in political activities they must join the League. These leaguers, with guns in their possession, now and then became more than a political menace; they became regulators, and as such they burned barns and mistreated the white population.  

The situation in Tennessee was intolerable for most of the people; the times were out of joint; the cup of woe had been drained. "This State continued through the year [1868] to be the most discordant one in the Union," said a contemporary and competent observer.  This was a year of storm and stress, the result of a two years accumulation of abuses, debasements, and insults. There was an end to forbearance even in the face of armies; the spontaneous risings of the people throughout the South in secret organizations, generally referred to as the Ku Klux Movement, was the proof. These organizations were variously known as the Ku Klux Klan, the White Camelia, the Pale Faces, the White Brotherhood, the Constitutional Union Guards, the Council of Safety, the '76 Association, the Sons of '76, the Order of the White Rose, and the White Boys.  

The name best known and promiscuously applied to all was the Ku Klux Klan, which originated in Pulaski, Tennessee, in the fall of 1865. It was organized for no serious purpose; had there been an Elks club in town the Ku Klux Klan would never have started in Pulaski. It continued for a year or more for fun-making and prank-playing, during which time its value

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15 Knoxville Whig, January 29, July 15, 1868; Noted Men of the Solid South, pp. 200-201. The Union Leagues when they were first organized in the South had a white membership, but as they were turned into a means for controlling the Negroes in politics, the whites either got out or organized separate councils. For an excellent discussion of the Union League of America, see W. L. Fleming, The Sequel of Appomattox, pp. 174-95.  
16 American Annual Cyclopaedia, 1868, p. 721.
in frightening Negroes was becoming evident, as it paraded around in its white garbs. According to one account:

While the procession was passing a corner on which a negro was standing, a tall horseman in hideous garb turned aside from the line, dismounted and stretched out his bridle rein toward the negro, as if he desired him to hold his horse. Not daring to refuse, the frightened African extended his hand to grasp the rein. As he did so, the Ku Klux took his own head from his shoulders and offered to place that also in the outstretched hand. The negro stood not upon the order of his going, but departed with a yell of terror. To this day he will tell you: "He done it, suah, boss. I seed him do it."17

As the Negro became more dangerous in his Union League, the idea of the Klan spread, and a serious purpose was adopted. It would be the secret means of maintaining white civilization. A general organization for the whole South was secretly built up in a meeting in Nashville, in May, 1867, and a constitution or prescript, embracing lofty purposes and sentiments was adopted. And here General Forrest became the Grand Wizard of the Invisible Empire, in theory ruling over Realms, Dominions, Provinces, and Dens, inhabited by Genii, Dragons, Hydras, Grand Titans, Furies, Grand Giants, Goblins, Grand Cyclops, Nighthawks, and Ghouls.

The menace against Southern civilization must now be crushed, even if it were necessary to drive out or hang the dangerous Negroes and carpetbaggers. Organized almost under the very eyes of Brownlow, the Klan could be considered as a personal answer to him and his régime. It quickly spread over the state and by the beginning of 1868 was bobbing up in the very citadel of Brownlowism, in Knoxville. The Press and Herald, the Conservative paper in Knoxville, announced that it would seem that the Knights of the Ku Klux Klan "had indeed burst the cerements of the grave and were now wandering through this soil consecrated by the sacred tread of our great apostle of loyalty, the sainted Brownlow."18

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17 Quoted in Fleming, op. cit., p. 255.
18 Quoted in Daily New Era, March 17, 1868.
guessed that the Klan was a political organization bent on the overthrow of his government, for he constantly attributed to all who opposed him revolutionary intentions. He had often been enraged by his enemies applying the term "bogus" to his government, and he was now sure that a coup d'état was in the making. He knew the membership was made up of "ex-rebel soldiers, and those in sympathy with them," for they almost invariably rode good horses and drilled and went "through the evolutions of the Confederate cavalry," showing at all times perfect familiarity with Rebel tactics.\(^{19}\)

He fell upon them with fury, in the *Whig*: "Our counsel once for all is, that whenever those vile miscreants make their appearance among us, mounted, booted and spurred, and however disguised, let the white and colored Radicals meet them promptly, and in the spirit of their own lawless mission, disperse them, and if need require this in dispersing them, exterminate them."\(^{20}\)

The Klan sent the Parson numerous threatening notes, "being accompanied with pictures of coffins, daggers, pistols, and the gallows."\(^{21}\) Their hatred of Brownlow extended far beyond the limits of Tennessee. A group of Knights in the far South told a Negro that they were Confederate spirits on their way to Tennessee "to evaporate old Brownlow. They would have done it before, but the Devil was not prepared to receive the Governor of Tennessee and Thad Stevens, so they had to wait."\(^{22}\)

As the Negroes became bolder and wiser through their Union League, they became less easily frightened by the mysterious and supernatural performances of the Knights. They began to fire into processions of Klansmen and succeeded in killing some of them. In an affray with the Knights, a Negro succeeded in capturing a coat, which Brownlow immediately concluded had once been worn by a slaveholding planter. It was a "long-waisted, swallow-tailed one, with flat tin buttons nearly as large as tea-saucers."\(^{23}\) But the Klansmen were determined and in-


\(^{20}\) *Knoxville Whig*, March 25, 1868.

\(^{21}\) *Ibid.*, April 15.

\(^{22}\) Warmoth, *op. cit.*, p. 73.

\(^{23}\) *Knoxville Whig*, August 26, 1868.
exorable in their purpose to allay the Black Peril; they spread terror among the Negroes in certain parts of the state, and according to Brownlow, drove 300 of them to seek safety in Nashville, where they were lodged in refugee camps.24

But, perhaps, in Brownlow's home town there was as much violence as in any part of the state. John B. Brownlow, the Whig editor, naturally disliking T. B. Kirby, the editor of the Press and Herald, met him on the streets of Knoxville, one day in June (1868), and said to him, "Kirby, you are a d—d scoundrel." Thereupon each slapped the other's face, and Brownlow drew a cocked pistol, but before further execution could be carried out, bystanders interfered.25 About this time a Radical politician slew Henry M. Ashley, in Knoxville, and the Whig in recounting the murder, said he had been "righteously slain." When Ashley's friends threatened revenge, Governor Brownlow, in a statement most remarkable to come from the head of an organized government, called upon the Radicals to come to the support of Ashley's slayer, "and if he shall fall let the loyal men of the town and country fall with him. Let every loyal man in the town, white and colored, arm himself for the conflict."26

The height of impertinence seemed to have been reached by the Ku Klux Klan, when on June 13, according to Samuel M. Arnell, a Radical Congressman and a fast friend of Brownlow's, some of the Knights boarded the train near Columbia with "pistols and rope in hand" and searched for him. Arnell immediately telegraphed Brownlow for permission to call upon the military, if necessary, "to suppress all armed and masked parties in this vicinity."27 Brownlow's army, organized for the election of the preceding year, had now melted away, and the only Tennessee troops that he could now command were the guards that the

24 Ibid., August 19, 1868.
25 Ibid., July 1, 1868. The editor recounts in the Whig with much bravado the details of the encounter.
26 Ibid., July 22.
27 American Annual Cyclopaedia, 1868, p. 721; Noted Men of the Solid South, pp. 203-4. The Conservatives maintained that the Ku Klux Klan had never sought Arnell; it was merely an attempt on his part to get the United States army sent to Tennessee. Nashville Banner, quoted by Knoxville Whig, August 12, 1868.
sherrifs were allowed by a law of February 1, 1868, to raise at large over the state. As there were few if any of these militiamen in existence, Brownlow found himself a commander-in-chief without an army to command.

The Parson now fell back upon General Thomas, the infallible soldier according to the Tennessee legislature, and on June 15, called upon him for five companies of troops to take charge of Lincoln, Marshall, Obion, Dyer, Gibson, and Fayette counties. Without these forces the Governor declared, "the civil laws cannot be enforced, nor loyal men allowed to exercise their rights and liberties." The General had been appealed to so much by Brownlow to maintain his rule in Tennessee, that he was coming to be wearied. He answered that as Tennessee "was in the full exercise of all the civil functions of a State, the military authorities of the United States cannot legally interfere, except in aid and support of the civil authority." Believing that Brownlow wanted the troops for other purposes, he declined, especially as he had no troops to spare. The General was opposed to making out of his army a police force for Brownlow. Thomas a few days later informed Brownlow that the state laws allowing sheriffs to raise forces seemed to afford a remedy sufficient to take care of the present emergency. Brownlow was forced to admit in his reply that his sheriffs would not act—likely they were themselves members of the Klan.

Denied the aid of Federal troops, Brownlow was forced to depend on his legislature. Many Radicals began bombarding him with requests to call it together in extraordinary session. On July 1, the Whig intimated that the Governor would likely issue the call soon, and continuing, said, "The Governor is daily in receipt of letters showing a horrible condition of affairs in about six or eight counties of the State. Every night armed bands of assassins and thieves, calling themselves, 'Klansmen of the Kuklux,' are murdering loyal men, white and colored, and applying the torch to their dwellings." On July 6, he

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29 *Knoxville Whig*, July 29, 1868.
issued a proclamation calling the legislature to meet on the 27th for both the political and financial defense of the state. The proclamation was brought out in a highly irregular fashion; Brownlow issued it over his name without the signature or seal of the secretary of state and first made it public in the columns of the *Whig*, with the request that all newspapers which had been designated for carrying legal advertising, copy it three times. Perhaps, the Governor was intending a slight for the secretary of state, Fletcher, whom he did not like.\(^{30}\)

The Tennessee Conservatives, whether members of the Ku Klux Klan or not, looked upon the situation as rapidly becoming desperate. If the legislature should meet and organize and turn loose upon the state another army of avengers, civil war would certainly result. In a final effort to come to an understanding with Brownlow, a group of former Confederate officers—B. F. Cheatham, John C. Brown, W. C. Whitthorne, A. M. Looney, E. S. Cheatham and others—who were undoubtedly either members of the Klan or who were able to control it, held a conference with the Parson in Knoxville immediately before the assembling of the legislature.\(^{31}\) They promised that the Klan should desist from further activities if the Parson would guarantee protection to the people.\(^{32}\)

Brownlow had set out and he was not to be turned back. He would not compromise with Rebels and traitors on any grounds. In his message to this Ku Klux session of the legislature, he recited the record of terrorism that the Klansmen had made for themselves, and how they had taken advantage of his generosity in demobilizing his former army by organizing themselves into this violent secret society. He had asked for Federal troops and had been refused; and now that he had called the legislature in answer to many requests, he hoped the members would not hesitate to be as stern in their legislation as the situation demanded and the pleadings of outraged Radicals suggested. If they thought the Governor too violent and if they did not act

\(^{30}\) *Ibid.*, July 8, 1868.


\(^{32}\) This information appears in a note written with pencil by John B. Brownlow on the margin of the office copy of the *Whig* for July 29.
vigorously, he intimated that he might resign and not be responsible for what should follow.\textsuperscript{33}

A vigorous and widespread effort was now being made to settle the impending troubles and finally compose the Tennessee people by removing all disabilities. Attempts were made to excite Brownlow's pride and generosity by inducing him to adopt such a program and crown his term of office with the complete reconstruction of the state. Brownlow was too fearful of the vengeance he himself had been taking to make such an agreement. In the early part of the year he had sent a letter to the Radical convention in Nashville, warning it against adopting universal suffrage since such a step would result in turning the state over to the Rebels.\textsuperscript{34} Now in his message he referred to the appeals that had been made to him by prominent men of both parties to enfranchise the Rebels. He declared that their conduct was such that he could not consent. "They have a military organization in this State," he said,

whose avowed object is to trample the laws under foot and force the party in power to enfranchise themselves and their sympathizers. I cannot stultify myself by yielding to this request, accompanied by threats of violence. If members of the General Assembly are alarmed for their personal safety, and feel disposed to sue for peace upon the terms proposed by an armed mob, they will, of course, take a different view of the subject.

Furthermore, it was not proper for an extra session to take up such matters as the suffrage. It would be better to wait until the next regular session and in the meantime strictly observe "the conduct of those unreconstructed Ku-klux Rebels and their sympathizing supporters."\textsuperscript{35}

Despite the Parson's sharp words in his message, a large number of petitions were presented to the legislature praying for an "equal participation by all in the future prosperity and onward march of our noble state." A petition containing nearly 4,000

\textsuperscript{33} \textit{Senate Journal of the Extra Session of the Thirty-Fifth General Assembly of the State of Tennessee}, pp. 6-8; \textit{Knoxville Whig}, July 29, 1868.
\textsuperscript{34} \textit{Ibid.}, January 29, 1868.
\textsuperscript{35} \textit{Ibid.}, July 29.
names was presented by Judge Shackleford, who begged the legislators to forget the past and look toward the future development of the state. Henry S. Foote, a former governor of Mississippi, was present and added his plea for the petition. While the legislature was considering these petitions Brownlow submitted another plea or plan from John M. Lea, not because he agreed with it but out of his high regard for the patriotism and integrity of the author. The plan was a clever method of giving the voters the chance to insert universal manhood suffrage into the constitution by commissioning the present legislature, in the next election, to act as a constitutional convention.

On August 1, a conference of prominent former Confederate officers, consisting of Nathan Bedford Forrest, Gideon J. Pillow, and eleven others was held and a petition submitted to the legislature. It was a straightforward and high-toned bid for peace—an effort to “avert the precipitation of the crisis which is acknowledged to be imminent.” Admitting by implication that they were members of the Klan, they declared that the Governor wholly misunderstood their purpose. They were not seeking to overthrow the state government nor “to do any other act by revolutionary or lawless means. Neither we nor those with whom in our past days we have been associated contemplate any such rashness and folly, nor do we believe there is in Tennessee any organization, either public or secret, which has such a purpose. And if there be, we have neither sympathy nor affiliation therewith.” They believed it unwise for the legislature to organize a military force. “And, inasmuch as the supposed danger to the peace of the State is apprehended from that class of the community with which we are considered identified, as inducement and reason to your honorable body not to organize such military force, we pledge ourselves to maintain the order and peace of the State with whatever of influence we possess” and to support and help execute the laws. “For when it is remembered that the large mass of white men in Tennessee are denied the right to vote or hold office, it is not wonderful or unnatural there should exist more or less dissatisfaction among them.” Removing these disabilities “would heal all the wounds of our State,
and make us once more a prosperous, contented, and united people."

This onset for moderation was met by a convention of Radicals who resolved that the same program of vengeance which they had been enjoying for the past three years should be continued. They sustained and honored Governor Brownlow, "the gallant, fearless, and incorruptible hero" and they commended him for calling the legislature together to protect loyal people "from the wanton violence of Ku-klux banditti and others, aided and encouraged by wealthy and influential rebels." As for removing Rebel disabilities, they held "That so long as loyalty is a virtue, and treason a crime, unrepentant rebels should occupy back seats." And when the militia should be called out to prevent violence, the county in which the violence took place should be made to pay the cost of its suppression.

Disregarding all overtures for peace and friendship, the Parson and his Radical supporters forced through the legislature a bill for organizing the Tennessee State Guards to be composed of loyal men. It should be the duty of the Governor to send troops to any part of the state if "ten or more known unconditional Union men of good moral character, or three justices of the peace" should swear that the laws could not be enforced without them. If the judge and attorney-general of any circuit, the representative and the senator of a county in the circuit, "and ten Union men of good moral character" in the county should swear that the laws could not be enforced without troops, then the Governor was empowered to declare martial law for the region affected, quarter troops there, and assess the costs upon the taxpayers.

To further stamp out the Ku Klux Klan the legislature enacted laws to punish with a fine of not less than $500 and imprisonment for not less than five years any person who should

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36 American Annual Cyclopaedia, 1868, pp. 723-24; Knoxville Whig, August 12, 1868.
38 Noted Men of the Solid South, p. 207; American Annual Cyclopaedia, 1868, p. 724.
“prowl through the country or towns of this State, by day or by night, disguised or otherwise, for the purpose of disturbing the peace, or alarming the peaceable citizens of any portion of this State.” They should, furthermore, be “rendered infamous.” Any one who should feed, lodge, entertain, or conceal a member of the Ku Klux Klan should be punished likewise. Every public officer should be forced to swear that he had never been a member of the Klan and that he had never sympathized with it.\(^{39}\)

As a further precaution the legislature sent a joint committee to Washington to make a report on conditions in Tennessee and to ask the President for troops. They were cordially received by Johnson and J. M. Schofield, the Secretary of War. They informed the President that the outlook was dark in Tennessee, for the state was at that moment in the mysterious grip of 40,000 Ku Klux Klansmen. Schofield promised that the United States would uphold the civil government of the state and protect its law-abiding citizens. The committee returned and made its report on September 16.\(^{40}\)

Without waiting for the outcome of the mission to Washington, Brownlow proceeded to compose a proclamation calling for the organization of his new army. He was in the midst of this document when he received news that the United States would give Tennessee whatever help she needed; but he would not now be deterred, he had been commander-in-chief without an army long enough. The proclamation was issued on September 16—it was a remarkable document both in its content and in the method of its issuance. Across the proclamation book in the Executive Office, the secretary of state, Andrew J. Fletcher, wrote that since the proclamation had never been sent to his office and had never been impressed with the seal of the state or countersigned by him, it could not be certified as authentic. There was no original of it in his office; he had first seen the text in the *Whig*. He added, “No mere newspaper proclamation will be received in this office.”

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By its direct wording, the Parson called upon every "good" person, "white or colored, of every county in the state, to pro­ceed without delay to raise companies of loyal and ablebodied men" and bring them to Nashville. If all loyal people in the state should choose to raise companies, then the Parson would have an army composed only of officers. Whether he should call this army into active service would depend entirely on the conduct of the people. He hoped it would not be necessary, but he was determined to put down "armed marauders by force," and he would meet them "with such numbers and in such a manner as the exigency may demand, and whatever may be the consequences I will not be deterred from the discharge of my duties herein by threats of violence from rebel speakers or rebel newspapers, nor by any other means of intimidation." Knowing that the Rebels who were "bitterly hostile to the elevation of the colored man" would attempt "to precipitate a war of races," he would not call out the Negro troopers unless he found the white troops were unable to hold the Rebels in check. If with both whites and blacks he could not put down the Rebels, then he would call on the United States Government to assist him. Hav­ing special confidence in the East Tennessee troops and hoping to secure as many of them as possible, he would not put a limit on the number that might come from any one county.\(^41\)

This proclamation struck as much fear when it was issued as it produces wonderment today. It seemed to many Tennessee­ans to be a vindictive answer of an irresponsible ruler to their overtures for peace. General Forrest had the impression and stated that it was widespread over the state that an army was to be raised which should be allowed to proceed unrestrained against former Confederates. He declared that it was the general belief that if a Brownlow soldier should kill "a man who had been in the southern army, there would be nothing done with him."\(^42\)

It was an example of remarkable self-restraint on the part of Brownlow in promising to delay the calling out of his army, for in November, elections would be held in the state, and armies

\(^{41}\) *Ku Klux Conspiracy*, I, 458-59.
\(^{42}\) Ibid., XIII, 6, 14; *Noted Men of the Solid South*, pp. 209-10.
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had heretofore been found valuable in connection with such activities. This apparent negligence may be explained on the grounds, first, that the state government was not before the people for election, secondly, that there would be some difficulty in raising and organizing the army, and thirdly, that the threat of it even on paper would be of some value. And it must also be remembered that Tennesseans had such a horror of another Brownlow army, black and white, that they had made the Parson abject promises to stay it. If they must have an army they would much rather have the Federal troops. Since Brownlow believed that troops were as necessary for elections as were ballots and ballot-boxes, he compromised by calling on General Thomas for troops. In early October he designated twenty-one counties which should be occupied by Federal garrisons, and Thomas complied.43

The Radicals held their convention early in the year (January 22) to choose delegates to the national convention which should meet in Chicago in May. Now that the Negroes were an important element in the state electorate and should be held as Radical allies, a representative of their race from each Congressional district was put upon the state executive committee. As Brownlow held one office and had already been elected to another, the convention contented itself with thanking him for his "eminent service rendered to the cause of loyalty, liberty and progress." The Conservatives came together the following month to name delegates to the Democratic Convention to meet later in New York City, and endorsed Andrew Johnson for the presidency. In June they met again and condemned the destructive program of the Radicals in reconstructing the Southern States, and subsequently issued an address in which they vehemently attacked Brownlow for depriving the state of a republican form of government. They also solemnly condemned the attempt to bring about the supremacy of the African race and other "oppressions, usurpations, and miseries to which this state has been

43 Noted Men of the Solid South, pp. 210-11; Knoxville Whig, October 7, 1868.
subjected by the minions and agents of the party now in possession of the Government of the United States.”

With Brownlow’s program of military intimidation in full operation, the Conservatives for a time in the autumn considered withdrawing entirely from the campaign, but after consulting “with many able and discreet persons,” they decided to push a vigorous campaign for Horatio Seymour and F. P. Blair, the Democratic candidates for president and vice president. Brownlow turned all the forces at his command in the state to the support of General Grant and Schuyler Colfax, the Republican candidates. To the suggestion of an admirer made before the nominations had been voted, that Brownlow run for the vice presidency, the Parson replied that he would rather have six years in the Senate than four years in the vice presidency; and after the nominations had been made and the campaign was on, he reminded his Tennessee radicals to work hard for Grant and Colfax, for in the Senate he would have many choice jobs to bestow on the faithful if the Republicans were successful. He added that the number of offices had been doubled since the war.

The Union League was now in a thriving condition and working efficiently for the Republican candidates. In May twenty-two councils from eight Tennessee counties met in Knoxville to prepare for the coming conflict, and to resolve their anger against the Republicans who had recently brought about the acquittal of Johnson in the impeachment trial. They condemned Senator Fowler and deprecated “the perfidy of those seven recreants who have so greatly disappointed the just hopes of the loyal people.” The Parson made a pilgrimage among many of the councils in July and found them flourishing and faithfully supporting Grant and Colfax.

With the United States army scattered over the state, with the Negroes loyally functioning in the Union League, with the

45 *Knoxville Whig*, April 8, 15, 1868; *American Annual Cyclopaedia*, 1868, p. 725.
46 *Knoxville Whig*, May 27, July 15, 1868.
Rebels still disfranchised, and with the constant threat of turning his own army loose upon the state, still Brownlow had some feeling of doubt as to the outcome of the election. The Ku Klux Klansmen were a mysterious lot of human beings. But he had yet another weapon: on October 19, he proceeded to throw out the whole registration of Lincoln county, and thereby thought he had ridded the state of the votes of one of the troublesome Middle Tennessee counties.47

In the election Grant and Colfax, of course, were successful. Grant received 56,757 votes to Seymour's 26,311. In the voting for Congressmen the situation was complicated. With all the precautions the Radicals had taken, C. A. Sheafe, the Conservative candidate in the fourth district, had succeeded in defeating Lewis Tillman, the Radical, by a vote of 4,591 to 3,855. Such returns immediately suggested to the Parson that there had been some illegal voting going on, for who would vote for a Conservative but a Rebel? Since he did not want to admit that his policies had divided his former Union supporters and had led many of them to vote against him and his candidates, the Parson concluded that the Rebels had slipped in and voted the Radical down—and they had done so through the violent methods of the Ku Klux Klan. He saw with surprise 559 votes recorded from Lincoln County. Had he not already deprived that county of its suffrage? Since 554 of them had been cast for Sheafe, he did not hesitate to throw out the whole vote of this county. But this action alone would not overcome the Conservative's majority, so he threw out almost 700 votes from Marshall and Coffee counties, and succeeded in electing Tillman, by a majority of 432. Thus, did he again demonstrate his skill as a mathematician and as a magician, too, by transforming a Conservative majority of 736 into a Radical majority of 432. In a three-cornered contest in the eighth district, Brownlow brought about the election of W. J. Smith, the second

47 Ku Klux Conspiracy, I, 456, 460. The governor had been given this power in a law passed February 26, 1868. It not only gave the governor this power for the future, but legalized similar acts of Brownlow in the past, whether the laws at the time "justified the governor in his action or not." For the text see "Digest of Election Cases," p. 910.
highest man, by "utterly repudiating" the vote of Tipton County "as the most stupendous fraud perpetrated in the State during the late election" and casting out the vote of Fayette County "as held in open violation of the franchise law." He based his authority for these actions on the ground that the franchise law was supposed to produce a great change—"I may say revolution—in our elective system. It announces that a large portion of our people have made war upon the Government, and are unsafe depositaries of the elective franchise." He knew that the Ku Klux Klan used violence and intimidation to prevent Radicals from voting. His authority for revising the election returns was, therefore, clear. The Parson admitted that his decision was not conclusive as Congress had the last word—a fact Tennessee well remembered from her experience in 1865-1866.48

Tennesseans were undoubtedly much upset in this election, but there seems to have been little or no violence. Although he had the right by the act of February 26, 1868, to dismiss his commissioners of registration and annul their registration, there was grave doubt whether he had the right to prevent the election being held by the coroner. As for the intimidation and violence charged against the Ku Klux Klan or any other group, the captain of the Federal troops stationed in Marshall County, where Governor Brownlow had thrown out 518 votes, declared that the "election was very quiet; every one voted his sentiments, without disturbance or threats; both white and colored; and no one in the county, as far as we are advised and believe, voted except those who had certificates to vote under the franchise law of Tennessee. The citizens of the county are quiet and law-abiding, and treated my command with kindness and due respect."49

As the Parson guessed, Congress finally settled the matter; and again as the Parson well knew, a Radical Congress would find a way equally as easily as he had in seating Radical contestants. When Sheafe's case came before Congress, it was referred to the committee on elections, which group admitted

48 Ibid., pp. 907-9, 916.
49 Ibid., p. 918.
that Brownlow had no right to throw out votes—an act quite apart from the right to throw out registrations before elections were held—but knowing that it could examine the ballot boxes, it took the Parson's word for the Ku Klux violence and proceeded to throw out the identical votes the Parson had selected. Hence, Tillman was seated. The minority of the committee opposed this decision and declared that Brownlow's refusal to award Sheafe the certificate of election "was an act of usurpation committed, and a wrong done to the prejudice of that gentleman, without a shadow of authority by the laws of either the State of Tennessee or of the United States." It was only through the management of elections by highly partial laws that most of the Congressmen during the Reconstruction period were elected. Tillman in his defense declared that if these laws were unconstitutional, then not only was he not entitled to his seat "but perhaps only a few of the sitting members from Tennessee of the present or any preceding Congress since the rebellion are or were entitled to seats." The Tennessee courts later declared these very laws unconstitutional!50

The most confusing complication brought forth by the Tennessee Congressional election of 1868 was the matter of seating two additional Congressmen which Tennessee had taken it upon herself to elect. Though both were elected in November, 1868, the state claimed only one additional Congressman, for one of them had been elected to serve out the remaining part of the Fortieth Congress and the other expected the full term of the Forty-first. Tennessee based her claim to this extra Congressman on the ground that the Negro voters which she had enfranchised should now be counted fully in the enumeration of population for the purpose of apportioning representation, instead of only the three-fifths value allowed when they were slaves. Having, according to the census in 1860, 275,000 slaves, she estimated that the two-fifths additional strength that they acquired when they became free would entitle the state to an additional Congressman and too anxious to await a new apportionment by Congress, the legislature on March 12, 1868,
passed a law calling for the electing of an additional Congress­man. The Radicals believed that since Tennessee under their guidance and without compulsion from the outside had freed her slaves and had enfranchised them, being the first of the former Confederate States to do the latter, she should be given consideration for this great show of Radical patriotism. And, furthermore, the Fourteenth Amendment implied this additional representation. The Radicals argued that Tennessee had 40,000 male Negroes 21 years old or more and that none was disfran­chised.

Since Tennessee was the first state to attempt to capitalize her free Negroes in this respect, she felt that an exception should be made in her case and that her additional Congressmen should be admitted. Thomas A. Hamilton, who had been elected from the state-at-large, for the remainder of the Fortieth Congress appeared first. His case, it was thought, would be especially compelling, for he posed as a special delegate from the recently enfranchised Negroes, and if he should be refused “it would dishearten the freedmen of Tennessee, who are alleged to regard the claimant as especially their representative, and would be disastrous to their interests as a race, now in special need of the recognition and protection of their government.” The committee to whom his case was referred was much impressed with Tennessee’s record and with her Congressman-at-large, but they were unable to see how a law of Tennessee could give her an extra Congressman, when Congress itself had always done the apportioning. And, besides, it would not be fair to the other states in the South to allow Tennessee an additional representa­tive when some of them, undoubtedly entitled to more than one, would receive none at all. The minority of the committee was so impressed with the justice of Tennessee’s case that they recom­mended that Congress pass a special act allowing Tennessee the extra Congressman. The House failed to act, and Tennessee was denied her additional representation.51

The case of John B. Rodgers was identical with that of Ham­ilton, except that Rodgers did not argue the point of being the

51 Ibid., pp. 499-516.
special representative of the Negroes, and that he was elected for the Forty-first Congress. His case led to the same conclusion which grew out of the previous one. The same special act favoring Tennessee with an additional Congressman was offered, but it was never reached by Congress. It did not entirely please Brownlow that Tennessee had not been better appreciated and given more power in the national legislature.

Brownlow was determined to be unrelenting toward the Rebels to the last day of his power in Tennessee. They should not vote and if it appeared in any election that by trickery they had voted and won office he would revise the returns to replace them with Radicals. In bantering the Rebel aristocracy on their sad lot, he queried whether rebellion had not "left you high and dry upon the old Constitutional hill, to gaze with astonishment upon the fertile valley of Progress below, inhabited by native Radicals and 'imported carpet-baggers'?" His last regular message as governor (November, 1868) developed largely into a political harangue, berating his political opponents. He failed to see or recognize a great undercurrent of opinion widespread over the state, among former Union men no less than former Confederates, that revenge had held sway in Tennessee long enough, that Tennessee had been whipped and lashed into a condition which was becoming utterly intolerable, that even Brownlow's own party of incorruptibles was on the verge of bursting into pieces. A faint ray of conciliation broke in upon his message when he stated that the franchise might be extended to the involuntary Rebels, but never to the unrepentant Rebels who had fought to the last—never should the vote be restored to them until the national debt should have been repaid, and they had done the impossible; until they had "restored to the ballot box the half million loyal voters who now sleep in premature graves."

He thought well of the carpetbaggers, and he had a special

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52 Ibid., pp. 941-50.
53 Ibid., November 18.
54 Ibid., November 18.
fury against the Ku Klux Klan for attempting to drive them out, and for discouraging more from coming. He was pained to see Union men in Tennessee objecting to these valuable citizens. What if they did fill some of the offices? "What sort of tenure upon any of the offices of the State would any loyal native have had if the carpet-baggers had not come and squelched out rebellion and planted the banner of the government amidst the reeking ruins of war?"55 One of his own official household, his own secretary of state, whom he had often snubbed by issuing proclamations without his seal and signature, Andrew Jackson Fletcher, assumed a bold outspoken attitude on the subject of carpetbaggers as well as disfranchisement. He has been given the credit of first suggesting the carpetbag title that ever afterwards adhered to the Northern adventurers who fed upon the Southern carcass during Reconstruction days. He said, "No one more gladly welcomes the Northern man who comes in all sincerity to make a home here, and to become one of our people, than I, but for the adventurer and office-seeker who comes among us with one dirty shirt and a pair of dirty socks, in an old rusty carpetbag, and before his washing is done becomes a candidate for office, I have no welcome."56

In the early part of 1869, Fletcher openly broke with the Parson on the point of forgiving the Rebels. The secretary of state was beginning to see that the program of revenge had done a vast injustice to the great majority of Tennesseans and also to realize that it had done great damage to the progress and development of the state. "The man who is disfranchised in a republic," he said,

is not apt to feel that it is his government, or take any pride or interest in it, nor apt to make a useful or even law-abiding citizen of it.

These people are greatly impoverished by the war. They suffered defeat, wounds and captivity. We have emancipated their slaves; we have disfranchised the master, and disabled him from holding

55 Ibid., April 15, December 2, 1868.
56 Temple, op. cit., p. 126.
office or sitting on juries; we have enfranchised the slave, and
given him the right to hold office and sit upon juries, and thus in
many localities reversing the relation of master and slave.57

Brownlow would soon be leaving Tennessee for the United
States Senate. Instead of making a parting gesture of friend­ship to all Tennesseans, he would do a more characteristic
thing; he would spread terror in his wake as he departed. On
January 20, 1869, he issued a proclamation setting forth that
a reign of terror had broken out in Middle and West Tennessee
in which roving bands of Ku Klux were setting civil law at
defiance, taking prisoners from jail and hanging them, taking
passengers from railway trains, and driving conductors of
Northern birth out of the state. These Ku Klux bands were
being incited by ambitious people making incendiary speeches
advising the overthrow of the state government, and by Rebel
newspapers ridiculing the deeds of the night-riders and deny­ing
that there was a Ku Klux Klan. He called upon every "good
and loyal citizen" in the state to join the army of rectification.
He would soon declare martial law in various counties "and
turn over offenders to the military to be tried and punished
summarily." These outrages had "been long borne, but the
Executive is not to be cajoled or trifled with." He soon expected
to have Middle and West Tennessee "as orderly and quiet as
East Tennessee is today."58

By the end of a month he had gathered together at Nashville
1,600 State Guards, armed and equipped, under the command
of General Joseph Cooper. On February 20, he issued another
proclamation placing under martial law nine counties scattered
over Middle and West Tennessee and ordering troops to occupy
them and to stay there "until we have unmistakable evidence
of the purpose of all parties to keep the peace." He enjoined
the "most rigid discipline among the troops," and directed that
no quarter be shown "to either officers or privates who shall be
found guilty of habitual drunkenness." General Cooper gave
special attention to the cradle of the Ku Klux Klan by ordering

57 Knoxville Whig, January 20, 1869.
58 Ibid., January 20, 1869; American Annual Cyclopaedia, 1868, p. 725.
five companies to occupy the town of Pulaski and make it their headquarters.\textsuperscript{59}

This Second Brownlow War gradually dissipated itself and became of no consequence in the life of Tennessee or of the Parson, for Governor and Commander-in-Chief Brownlow was soon to transfer his activities to a broader stage and become Senator Brownlow.

\textsuperscript{59} \textit{Ku Klux Conspiracy}, I, 460.