AN ANALYSIS OF THE EDITORIALS OF THE CHICAGO TRIBUNE MARCH 13- MAY 27, 1868 DURING THE IMPEACHMENT TRIAL OF ANDREW JOHNSON

A Thesis
Submitted to the Faculty
Of the College of Liberal Arts of St. Meinrad Seminary
In Partial Fulfillment of the Requirements
For the Degree of Bachelor of Arts

David E. Hellmann
May, 1969
St. Meinrad Seminary
College of Liberal Arts
St. Meinrad, Indiana

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INTRODUCTION

The focal point of this thesis is the trial of Andrew Johnson, impeached for his removal of Stanton. Though commonly referred to as the "impeachment trial", the case was not one of impeachment. "To impeach" means "to bring a public official to court on a criminal charge." Confusion has resulted since no specific term designates a conviction after impeachment. This factor probably accounts for the use of "impeachment" in designation of a trial of an impeached official.

This thesis has been divided into three separate chapters. The first provides the background necessary for any understanding of the moral and emotional forces that were common to the socio-cultural scene at that time. The following two chapters analyze the editorial policy of the Chicago Tribune throughout the trial of Andrew Johnson in 1868, with an attempt to disclose the motives and ideals proper to the editor which underlay his position on impeachment.

The first of the two chapters analyzing the Tribune extends from March 13, the opening day of the trial, to April 31, with the closing arguments in process. The second views the editorials from May 1 until May 27, the day after the last vote on impeachment and conclusion of the trial. It seemed to this writer that the break was a natural one, coincidental with the shift in the editorials.

No attempt was made to include all of the editorials or their content,

but rather to elucidate those factors which seemed to relate more closely to the trial and show the predominant trend of the editorials. In such a paper as this, it seemed necessary not to adhere to a strict chronological sequence of events, but rather a chronological ordering of specific trends and principles that arose in the editorials. However, events are given in a proper sequence of occurrence.

For this study, the Tribune was selected on account of its position as one of the most influential Republican newspapers of that period. Another reason was the Midwest-locale of the newspaper.

With gratitude to those who have lent me assistance in the formulation of this paper, I submit it to the perusal and criticism of others interested, accepting full responsibility for its incoherencies and errors, yet hopeful that it might aid in understanding our past a little more and thereby understand our own history.

CHAPTER ONE

BACKGROUND TO THE TRIAL

Course of Public Opinion Toward Johnson

In the election of 1864, the Rebuplican party had no guarantee of a victory but rather were much in doubt as a result of the unfavorable war situation. To consolidate under their banner the Unionists divided by party affiliation, the Republican party altered its name to the Union Party. Two reasons motivated the party's selection of Andrew Johnson as their vice-presidential nominee: first, Johnson, who had been the sole Southern senator to remain in the Union after the South's secession, might attract votes from the border states; secondly, his Democratic affiliation would support the contention that the Union Party was national in scope and thereby cull votes of War Democrats discontented with the policy of the Copperheads who had control of the Democratic Party.[1]

Lincoln's victory was not by a mild landslide. His second term ended abruptly on April 15, dying from the shot of John Wilkes Booth, a Southern sympathizer.[2] It had been little more than a week that Richmond, the Confederate capitol, had surrendered. Into Lincoln's vacated seat came Andrew Johnson. The state of mind throughout the nation was very volatile at this moment. Warrants signed by Andrew Johnson were issued for the arrest of Jefferson Davis and other Confederate leaders implicated in Lincoln's assassination.

During this early period of office, Johnson was supported by public opinion. Eric McKitrick, in his study Andrew Johnson and Reconstruction,

says that:

> Virtually every Republican paper in the country, including those later to be designated as "Radical" was initially on the President's side. Even the most extreme of these journals would remain with him for a number of months.[3]

Charles Sumner, who was later to become one of Andrew Johnson's most bitter critics, wrote to Chase that, on the subject of suffrage, there was no difference of opinion between himself and Johnson.[4] The man who was to make the motion for Johnson's impeachment told an audience that "in the interview I had with him...I formed the belief that the President desires earnestly to carry out the wishes of the Union men of the country."[5]

The tone of several statements made by Johnson supported the Radical's belief that Johnson would endorse their plan of reconstruction for the South. After the fall of Richmond on April 3, 1865, Johnson delivered the following message to a public assembly in Washington:

> My notion is that treason must be made odious and traitors must be punished and impoverished, their social powers broken, that they may be made to feel the penalty of their crime...Hence I say this: "The halter to intelligent, influential traitors." But to the honest boy, the deluded man who has been decieved into the rebel ranks, I would extend leniency; I would say, return to your allegiance, renew your support of the Government, and become a good citizen; but the leaders I would say hang.[6]

A similiar attitude prevails in his address to a delegation from Pennsylvania on May 3:

> To the unconscious, deceived, conscripted- in short to the great mass of the misled- I would say mercy, clemency, reconciliation, and the restoration of their Government. To those who have deceived- to the conscious, influential traitor, who attempted to destroy the life of the nation, I would say, on you be inflicted the severest penalties of your crime.[7]

Such speeches were the cause of Sumner's reaction when he read Johnson's Proclamation of April 29, 1865,[8] that left matters such as Negro suffrage to be determined by each individual state. On the same day Johnson issued another proclamation for which he later came under bitter attack. This proclamation, known as his Amnesty Proclamation, promised that clemency would be liberally extended upon "special application...made to the President for pardon by any person belonging to the excepted classes." Another historian, Ralph Korngold, states that within less than nine months, more than fourteen thousand pardons had been granted and every state except Texas had been reconstructed under Johnson's lenient policy. Korngold then asks: "What was responsible for Johnson's change of heart?" The answer according to him, is that Johnson had no fixed principles but would veer from one extreme to another whenever he found it expedient. One expediency was re-election; the other, self vindication from the Southern aristocracy that had labelled him socially inferior.

In contrast to Korngold's position that Johnson's policy was inconsistent, McKitrick holds that "Johnson's policy on reconstruction, despite the hopes of the Republican party, were fully consistent with his past policy."[10] Johnson himself claimed that "upon this question so vitally affecting the restoration of the government, my convictions, heretofore expressed, have undergone no change, but on the contrary, their correctness has been confirmed by reflection and time."[11] Simply because "treason must be made odious" did not prevent the President from extending pardons. His intention was that "they should sue for pardon and so realize the enormity of their crime." The breakdown in the pardon policy enacted by Johnson, McKitrick claims, resulted from the machinery itself which required a special application to

the President for exemption. During the first few months few pardons were issued; but, as the machinery became more cumbersome, more avenues for pardons arose.[12]

Consistency in Andrew Johnson's policy can be seen if his view of reconstruction is contrasted with that of Congress. Such a comparison is also necessary to understand the basis on which disharmony arose between the executive and legislature.

For Johnson reconstruction was primarily concerned with the great mass of individuals who had been misled. The States had always retained their status and rights as such. And it was for this reason that he permitted the "loyal people of said State to organize a State government...and to prescribe the qualifications of electors and the eligibility of persons to hold office under the Constitution and laws of the State."[13] From Johnson's point of view, though Negro suffrage might be ruled out, it was the Constitutional thing to do, for under the Constitution a State had a right to regulate its own internal affairs.

Congress, on the other hand, viewed reconstruction as a means necessary to restore those Southern States which had forfeited all rights and privileges guaranteed by the Constitution, to the rebel states former position of loyalty. One of the principal objects of Congressional policy was to insure Negro freedom for which the Civil War had been fought. As will be seen, this came to mean Negro suffrage.

The North's Reaction to Reports on the South and to Southern Legislation

To elicit the latest information about conditions in the South, President

Johnson sent a number of prominent Northern men to tour the South, among whom were General U.S. Grant and Carl Schurz.[14]

Schurz left in July and traveled throughout the States of South Carolina, Georgia, Alabama, Mississippi, and the Department of the Gulf. In the introduction to his report, he professed the rather common belief that Johnson's policy of reconstruction was "experimental".[15] Schurz did not believe that the South had sufficiently acknowledged their crime. Their submission to national authority, he conceived, was predicated on the principle that it was the only means for the South to remove Federal officials and regain control of their own affairs. Schurz was also troubled by the South's opposition to Negro suffrage of which he was in favor. The Southern accusation that the Negro was "unwilling to work, insolent, and insubordinate", Schurz attributed to the intransigency of the Southerner to accept the new freed status of the Negro. As for Johnson's policy, he questioned:

> Is the immediate restoration of the late rebel states to absolute self-control so necessary that it must be done even at the risk of endangering one of the great results of the war, and of bringing on in these states insurrection or anarchy; or would it not be better to postpone that restoration until such dangers are passed?[16]

Suffrage, Schurz believed, would be a means of self-protection for the Negro and therefore should be a requirement of the South for readmission.

Schurz's report alone was not responsible for the North's questioning the expediency of Johnson's policy of immediate restoration. Reports from the assistant commissioners of the Freedmen's Bureau relayed the same impression that Schurz held, that the Negro remained a slave except in name only; and that the South was arrogant. Fragments from one report stated:

> ...on many...occasions the rightful authority of the

> Government of the United States has been insulted, defied, and treated with contempt by the citizens and civil authorities of Henry county...he (Bureau agent) called upon the sheriff of Henry county and asked him to arrest certain parties charged with committing outrages on freed people. The sheriff replied 'it would be unpopular to punish white men for anything done to the Negro--it might be unsafe--that he was not going to obey the orders of any damned Yankee--and that the rebellion was not over yet in Henry county.'[17]

Another person wrote: "And now God have mercy on the blacks if they are turned over to the government of their old masters, who seem determined to prove emancipation a curse."[18] Various reports received by the head of the Freedmen's Bureau, O.O. Howard, contained lists of Negroes, murdered in the South. One from Arkansas listed twenty-nine; that of South Carolina, twenty-four; of Tennessee, thirty-three; of Louisiana, seventy.[19] As one author said, "it seems as though during 1866 every Southerner began to murder or beat Negroes."[20]

Whether such reports and others, carried in the Northern newspapers, were an accurate portrayal of the Southern affairs did not matter. In the mind of the North they left one impression. Although General Grant in his report stated that he was "satisfied that the mass thinking of men of the South accepted the present situation of affairs in good faith", much of the North was not so impressed by further actions of the South.

One of these was the enactment of the Black codes, especially those of Louisiana and Mississippi.[21] In Mississippi, Negroes were forbidden to possess guns or sell liquor. One passage from the codes of Louisiana stated that:

> all dificulties arising between employers and laborers, under this section, shall be settled by the former; if not satisfactory, an appeal may be made to the nearest justice of the peace.[22]

Vagrancy laws of Mississippi extended to include all associations on "terms of equality" of whites and Negroes. Intermarriage was also forbidden.

A distrustful North interpeted such legislation as a systematic attempt to relegate the freedman to a subjugation differing only slightly from that existing before the war.[23] Northern radical reaction may be seen in the Chicago Tribune:

> We tell the white man of Mississippi that the men of the North will convert the State of Mississippi into a frog pond before they will allow such laws to disgrace one foot of soil in which the bones of our soldiers sleep and over which the flag of freedom waves.[24]

The pressure of public opinion forced the Black Codes to be suspended before they were to go into effect.

Further hostility toward the South was raised by Mississippi's refusal to repudiate the war debt as requested by Andrew Johnson, as well as South Carolina's rejection of all three terms: abolition of slavery, nullification of ordinances of secession, and repudiation of the war debt.[25] Perhaps the final insult on Northern sensitivity came when Congress assembled for the first session after the war had closed. Awaiting readmission as representatives of the South were Alexander H. Stephens (former Vice-President of the Confederacy), six former members of the Confederate cabinet, four Confederate generals, and five Confederate colonels.[26]

Such actions proved to Congress that Johnson's policy of allowing the Southern States to manage Southern affairs was untenable.[27] Johnson, on the other hand, rejected that view of Congress, which placed Federal rights above those of the States. A review of the legislation enacted by Congress and of the objections raised by Johnson will clearly indicate the principles operating behind each: for Congress it was Negro suffrage; for Johnson it

was States' rights.

The Causes of Strained Relations Between Johnson and Congress

After explaining, in his first annual message on December 5, the course of his reconstruction policy, Andrew Johnson stated: "I know very well that this policy is attended with some risks; that for its success it requires at least the acquiescence of the States which it concerns."[28] He believed that the evidence of the South's sincerity in

> the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution which provides for theabolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. ...Until it is done the past, however much we may desire it, will not be forgotten. The adoption of this amendment reunites us beyond all powers of disruption.
>
> The amendment of the Constitution being adopted, it would remain for the States whose powers have been so long in abeyance to resume their places in the two branches of the National Legislature and thereby complete the work of restoration.[29]

Johnson only asked for ratification in his address and provided no further measures such as Negro suffrage to insure the Negroes freedom.

The apparent insolence of the South caused Congress to deem stricter measures of reconstruction necessary. Congress had failed to detect any acquiescence" on the part of the South. One of the first actions of the House that demonstrated its plan to establish an idiosyncratic policy of reconstruction was its refusal to seat Horace Maynard. It was strongly believed by Johnson and his supporters that Maynard, who had been a loyal Unionist throughout the war, would be admitted as a token of the South's reconciliation with the North. Congressmen formed a Joint Committee of Fifteen on Reconstruction to consider the problems posed by readmission

and reconstruction which they viewed as their proper duty. Membership of the Committee consisted primarily of moderate leaders from both Houses. After Congress reconvened on January 5, 1866, Lyman Trumbull introduced two bills: the Freedmen's Bureau Bill, and the Civil Rights Bill.

The first was to extend the commission of the Freedmen's Bureau which had been established by Congress on March 3, 1865, and was to expire a year later. It was charged with problems of relief for ex-slaves and dispossesed refugees. The new bill sought to extend the power of the bureau to protect ordinary civil rights. Discrimination on the basis of color was made punishable by military courts. Concerning this bill, Gideon Welles, relates that Congress would admit the representatives from Tennessee if the President would pass it.[30] However, on February 19, Johnson vetoed the bill. Two of the reasons he mentioned in his veto message were: no limitation was placed upon the power of the officials, nor on the extent of its life; the original bill had been a wartime measure which need not be increased in peace time. But his primary objection was that a bill, regarding the Southern States, was to be passed without their having any representation in the Congress. He did not question the "right of Congress to judge, each house for itself, 'of the election, returns, and qualifications of its own members'...But the authority", he insisted, "cannot be construed as including the right to shut out in time of peace any State from the representation to which it is entitled by the Constitution."[31] The day following his veto, a vote was taken again on the bill but failed to acquire the two-thirds majority in the Senate, necessary to overide the veto.

On February 22, Johnson made a very impolitic move in a speech to a crowd at Washington. After he had declared that some of the anti-unionists de-

signs of a few Northern men were as treasonable as those of Davis, Toombs, and Slidell, someone from the crowd called for names. Johnson's response included the names of Thaddeus Stevens, Charles Sumner, and Wendel Phillips.

Strains on the relationship of the President and Congress came from Trumbull's second bill, the Civil Rights Act, designed to make certain provisions of the vetoed Freedmen's Bureau Bill permanent. The Civil Rights Act declared all persons born in the United States to be citizens of the United States, who, without regard to race or color, were entitled to the same privileges and rights in every State and territory. Anyone who caused someone to be so deprived of his rights as a citizen would be punishable by law. This Act passed Congress on March 13. On March 27, Andrew Johnson, acting on his belief in state's rights, returned this bill without his signature. In his veto message he claimed, as the Constitution had declared, that it was a right of each state to determine to whom it would bestow citizenship. "If it be granted," he asks, "that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subjects of suffrage and office?"[32] Johnson recognized such a measure as "another step, or rather stride, toward centralization and the concentration of all legislative powers in the National Government."[33]

March 27, was also the day that Congress, powerless unless able to override the President's veto, completed the removal of the Democratic senator, John P. Stockton of New Jersey,[34] an action which permitted successful repassage of the Civil Rights Act in the Senate by one vote on April 6. On April 9, the house concurred and it became law. This was the first major

piece of legislation that had ever overidden a presidential veto.[35] From this point on, Johnson's veto held little force in determining Congress' actions. Nor did tension and antagonism ease between the two.

Congress did not cease its course of reconstruction. The Fourteenth Amendment, drawn up by this Congress, was submitted to the states for ratification on June 13, 1866. This amendment sought to permanently give Federal and State citizenship to the Negro. Another provision disfranchised the former rebel leaders. Lastly, the Federal Government refused to acknowledge the rebel debt and declared it null and void. In response, Andrew Johnson, to whom the amendment had not been sent for presidential confirmation, sent a message to the House on June 22, in which he opposed adoption of the amendment because the Southern States were not represented.[36] Another source of rejection was the South, where the amendment was rejected by every state legislature. The largest support it received in any of the lower houses was that of ten votes from North Carolina. The most it received from a state senate was two.[37]

On July 16, Andrew Johnson vetoed another Freedmen's Bureau Bill which the Senate repassed without any difficulty.

Late that Summer and Fall two events occured that aroused more antagonism of the Congress against Johnson. One was the riot in New Oreleans; the other was the President's "swing around the circle".

In New Orleans a body of politicians illegally sought to reconvene the convention of 1864 in order to disfranchise ex-confederates and enact Negro suffrage. Democratic officials, including Lieutenant Governor Albert Voorhies and Mayor Monroe, decided to prevent this convention. General Baird, the local commander, received a letter from Monroe to this effect and re-

sponded that he had not sanctioned such a meeting but questioned Monroe's right to interfere. On July 28, Lieutenant Governor Voorhies informed Johnson of the affair and asked if the military was to interfere to prevent court action. To this telegram Johnson sent a quick response that the military was only to sustain the actions of the court. That day Baird also informed Stanton of the situation and requested instructions by telegraph. Stanton neglected to reply. About noon on July 30, Voorhies called upon General Baird to provide troops to keep civil order but these arrived too late to prevent the massacre of Negro and white Unionists by the police called in by Mayor Monroe to suppress the convention. About forty whites and Negroes were killed; about one hundred and sixty wounded. The question of blame was made a burning issue of the Radical campaign preceding the Fall Congressional elections. Their press attributed the catastrophe to the President's lenient pardon policy.[38]

The "swing around the circle" was the title given to the President's tour between Washington and Chicago. The ostensible purpose was to dedicate a memorial at Chicago to Stephen A. Douglas; but Johnson also sought to present his policy of reconstruction to the people who would judge it in the Fall elections, two months away. Such a tour was new for the day, and some viewed such an innovation as degrading to the dignity of the presidential office. It began on August 28. Initially it was successful (through Pennsylvania, New Jersey, and New York); but as the tour wore on, the reports of Johsnon's speeches preceeded him to his next stop. The repetition became old and tired his listeners. A dislike also arose from the frequent reference of Johnson to his role as that of Christ.[39] But most insulting to his presidential image was his open debate with hecklers. At St. Louis, Indian-

apolis, and Cleveland, he was barraged with insults.

Development of the Impeachment Resolution

In the Fall the Radicals had won overwhelmingly at the polls: at the return of Congress in December, James M. Ashley proposed an impeachment resolution which was promptly rejected. The catalyst for a renewed impeachment resolution on January 7, 1866, seemed to be Johnson's veto of the Negro Suffrage Bill January 5, that was to extend the vote to Negroes in the District of Columbia.[40] This resolution of impeachment passed. The House Judiciary Committee was assigned to investigate such charges against Johnson as bribery, public drunkenness, involvement in Lincoln's assasination, and a plot to betray Tennessee to the South. The investigation concluded on June 3, refuting all the charges against him as unfounded.[41]

It was not the investigation but rather the legislation passed during this period that would result in Johnson's impeachment. The critical day was March 2, 1867, on which three bills passed over Johnson's veto. One, the First Reconstruction Act, divided the South into five military districts, placing the military over the civil government. The conditions set for the readmission of Southern States included ratification of the Fourteenth Amendment and inclusion of Negro suffrage in the State constitutions. Johnson questioned the Congressional premise that these states did not have lawful governments. If they did not, he asked, would the Thirteenth Amendment, which seven of these states had ratified, have legal sanction? If not, slavery still could exist legally.[42] To him it seemed that Congress was not trying to prevent crime, but using military rule "solely as a means of coercing the people into the adoption of principles to which it is known they are opposed."[43]

The second of three acts was the Tenure of Office Act[44] that provided that the cabinet members

> shall hold their offices respectively for and during the term of the President by whom they have been appointed...subject to removal by and with the advice and consent of the Senate.

The President's power of suspension was limited to the period that the Senate was in recess. Any suspension that had occured in this period must be reported within twenty days after the Senate reconvened. To accept an office contrary to the act was also made a criminal offence. Violations were termed "high misdemeanors". In his overridden veto, Johnson claimed that the power of removal was vested in the President alone.[45]

In a bill known as the "Command of the Army Act",[46] Congress made a move of doubious unconstitutionality, possibly out of fear of reprisal. Legally the bill supplied funds necessary for the military. The rider attached, however, required that "all orders and instructions relating to military operations issued by the President or Secretary of War...be issued through the General of the Army" who could not be removed "without the previous approval of the Senate." Although Johnson signed this bill to permit the allotment of the necessary funds, he voiced his objections to the second section.[47]

The Second Reconstruction Act made specific some of the measures provided in the first bill of March 2. This bill Johnson rejected on the basis of state's rights as he had the first. His response contained an indirect charge against those who were loudest in advocating Negro suffrage in the South:

> This (Negro suffrage)...then, is the test of what the Constitution of a State of this Union must contain to make it republican. Measured by such a standard, how few of the States now composing the Union have repub-

> lican constitutions...The work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina.[48]

The bill passed the same day this message was delivered.

Neither the First nor the Second Reconstruction Acts had very explicit provisions on means of enforcement and limitations of power. The terms of disfranchisement remained especially vague. This was the reason for Johnson's proclamation on June 20.[49] This limited those disfranchised to a small number. Municipal officers, commissioners of public works (who had been disfranchised by the broad provisions of the acts) were excepted. The number of those who had been disfranchised for participation in the rebellion was reduced to include only those who had held an office that had sustained the war effort. All officials who carried out duties proper to a peace-time state were excepted.

Johnson's initiative in interpreting the bill so liberally again raised the cry for investigation, and on July 11, the House assigned the Judiciary Committee to renew its investigation of Andrew Johnson. Two days later, the Third Reconstruction Act was passed which reversed every order of Johnson's earlier proclamation. It became law after passing over Johnson's veto on July 19.

Johnson, angered at Stanton for his role in drafting the last bill, sent him the following note on August 5:

> Sir: Public considerations of high character constrain me to say that your resignation as Secretary of War will be accepted.[50]

To which Stanton gave the following reply:

> ...public considerations of high character...constrain me not to resign the office of Secretary of War before the meeting of Congress.[51]

By August 12, Johnson had persuaded General Grant to accept the office "ad

interim". To this suspension Stanton yeilded "under protest, to superior force."[52]

Prior to the return of Congress, Johnson had also removed two military governors of the South. Upon Congress' return on December 2, the Judiciary Committee voted to recommend impeachment of the President. This movement was narrowly defeated on December 7. On December 12, Johnson delivered his report on the removal of Stanton in accordance with the Tenure of Office Act. The next week Johnson requested that Congress commend General Winfield S. Hancock, who, appointed as a military governor by Johnson, had recently implemented a policy in the South, contradictory to the Reconstruction Act of July 19, that placed civil authority over that of the military. After Congress adjourned for the holidays, Johnson proceeded to remove another military governor, General Pope, from his military district. This increased the hostility that Congress felt for Johnson.

Congress, reassembled after the holidays, refused concurrence of Stanton's dismissal. Johnson, who had more assumed than been assured that Grant had promised to retain the secretarial office in opposition to Stanton and thus test the constitutionality of the Tenure of Office Act, was angered by Grant's resignation for which Johnson bitterly attacked him. Stanton again held the office to the pispleasure of Johnson. Johnson then proceeded to offer the position to General Sherman who turned it down out of hatred for the Federal Capitol itself. General George H. Thomas also rejected Johnson's offer. On February 21, 1868, Adjutant-General Lorenzo Thomas received the secretarial office "ad interim" after Stanton had again been dismissed by Johnson, though Congress was still in session. The following day the Reconstruction Committee drew up another resolution for impeachment. The

denunciation of Johnson's indelicate move, delayed the resolution's passage until February 24. The House composed nine articles of impeachment on March 2.[53] Three were added the following day.[54] A summons was issued on March 5, for the President or his counsel to appear and answer the charges.

The prosecution, known as the House Managers, consisted of Representatives Ben Butler, Thaddeus Stevens, Thomas Williams, John Bingham, James Wilson, George Boutwell and John A. Logan. The defense counsel was composed of five members: Henry Stanberry, who had resigned as Attorney General in order to represent Johnson; Benjamin R. Curtis, Thomas A. Nelson, William M. Evarts and William S. Groesbeck.[55]

After the formal proceedings, the trial began on March 13. It is of the following period that the analysis of the Chicago Tribune's editorial policy begins.

CHAPTER TWO

THE CHICAGO TRIBUNE'S EDITORIALS: MARCH 13 - APRIL 31

Tribune's Hope for Rapid Conclusion of Trial

During the first part of Andrew Johnson's trial, the Chicago Tribune was convinced that Johnson must and would be quickly convicted. National approval of the Republican party and of the impending removal of Johnson had been given, the Chicago Tribune concluded, from the Republican victory in the recently held election in New Hampshire. On the opening day of the trial in a reference to the election, the Tribune remarked:

> On none does the blow fall more severely than on the apostate who stands indicted before the bar at the Senate for high crimes and misdemeanors.[1]

The Tribune's belief that no delay would be incurred in evicting Johnson may be seen in its comments on the Senate's refusal on March 13 to grant the request of Johnson's defense counsel for forty days within which to prepare a reply to the articles of impeachment. The editorial comment on the following day accused Johnson of being the "head centre" of the whiskey ring and concluded that, as a result of the Senate's vote, the whiskey officials believe "that their term of office is growing rapidly shorter,"[2] as Johnson's impeachment more imminent.

Certainty of Johnson's conviction is expressed by the Tribune in the title of its editorial of March 26: "Andrew Johnson's Doom." This editorial again propounds the Tribune's expectation of a swift removal of Johnson, and offered the following analysis:

> The most sanguine friends of Andrew Johnson fail to discern any ray of hope in the preliminary votes in the Senate on

his trial...Nor will the sentence be long delayed unless the managers themselves delay it...He (Andrew Johnson) has twelve partisan friends on the bench who vote for anything his lawyers demand, but beyond these he cannot find a man base enough to abandon the constitutional perogatives of the Senate as a body whose advice and consent is necessary to give force and validity to executive appointments...His doom is sealed.[3]

Expectation of a rapid conclusion of the trial was again manifested in the Tribune in its editorial of April 6:

> If it (trial) is kept within the strict lines of relevancy, and if the managers are able to resist the temptation to a swing around the circle of personal and political questions, the trial may be closed within ten days after its resumption on Thursday next and Johnson may be 'en route' for Greeneville.[4]

The title of the Tribune's editorial four days later (April 10) indicate the Tribune's certainty of conviction by discussing "Andrew Johnson's Successor."

This editorial seemed to be directed against those who questioned Benjamin Wade's right to office, if Johnson were impeached. The Tribune's argument for Wade's right of succession was based on the "Act of March 1, 1792" of the Second Congress in Sections nine and ten which provided that the President of the Senate 'pro tempore' would accede to the presidency if both the President and Vice-President became disabled.[5]

Though the Tribune confirmed Wade's legal claim to office, it also saw Wade as a possible obstacle to Johnson's conviction. The first doubt that the Tribune expressed about a possible failure of impeachment was due to Wade: "The only doubt that was ever hung over the impeachment of Johnson has been raised by the consideration that Mr. Wade, with his infirmities of temper and speech, would be his successor."[6] It is difficult to ascertain the Tribune's full opinion of Wade, which in this period of the trial, seemed ambivalent. That the Tribune did not deem Wade worthy of office

was obvious from the same editorial cited above which contended that

> Few persons would seriously propose to elect Mr. Wade as president. He has neither the culture, the temper, the education, nor the judgment requisite for the position. No profane attestation will convince anyone that he is in any way fitted for it.[7]

But the Tribune, with some hesitancy, rejected credulity in the charge that Mr. Wade would seize the occasion of his 'ad interim' Presidency to crowd upon congress a bill to plunder the public anew under the miserable pretense of protecting home industry (by levying a heavy tarrif):

> To suppose that Mr. Wade would initiate such a crusade is to suppose that he is the equal of Andrew Johnson in impertinence or rather the superior of the humble individual...We can see no reason why any Senate should hesitate on this ground to convict Andrew Johnson of the high crimes and misdeameaners of which he has been guilty.[8]

Though the Tribune recognized Wade's negative influence in securing an immediate conviction, its headlines seemed to reiterate the same confidence in a swift removal that it had expressed in various editorials previously. The headlines of March 16 read: "President's Counsel Surprised and Discouraged. Stanberry Thinks Johnson has not the Ghost of a Chance."

Three weeks later, on April 6, the article beneath the headline "Curtis To Open for the Defense" presented the belief that, though Johnson's counsel had professed unabounded confidence in his acquittal, "this is by no means shared by a large portion of his friends." Even after the Tribune had expressed doubts for conviction, raised as a result of Wade's personality, it still anticipates the conclusion of the trial before the end of April:

"Judgment looked for on Wednesday or Thursday Next" (April 22).

At this time, however, no speculation was given concerning the outcome.

The Tribune's dismissal of the fear of many Republicans that the defection of twelve Republican Senators from the party vote on the question of admitting General Sherman's testimony predicted failure of the impeachment

effort again gave an indication of the Tribune's belief, or at least, hope, for Johnson's conviction.

> The Copperheads of Washington, who are unable to understand how a Senator may differ from the bulk of his party upon a question of courtesy unless he intends to vote for the acquittal of Johnson, are overjoyed at what they regard as the defection of ten or twelve Republican Senators. There is not a Republican Senator who is not responsible for the enactment of the law and the committal of the party and the country to its enforcement and maintenance. When the Copperheads or Johnsonites assume that any one of these Senators will now deny the validity of the Office-Tenure law, they assume that he is about to place his own stultification on record. When the violation of the law is claimed as a merit,...No Republican Senator can, as we conceive, palliate or excuse the crime or acquit the criminal.
>
> We do not make these remarks because we anticipate that any Republican Senators will vote for the acquittal of Johnson upon the first article but that the public may understand the sudden glee and furious congratulations that prevail in the Copperhead camp at the mere rumor that one, three, six, or ten Republican Senators propose, hereafter, to consort with the Democratic party. Let them hug the delusion, if they will: there is no Republican Senator willing to spend the remainder of his days in company with Dixon and Doolittle.[9]

Those responsible for any actions that would or could create a delay in the trial were castigated by the Tribune in its editorials. Some of the severest criticisms that the Tribune expounded due to a delay was directed against the inclusion of the Tenth Article (which came to be known as Butler's Article, after the man who drew it up). This article as well as the Eleventh had been added to the original nine. The subject of the Tenth Article was Johnson's "swing-around-the circle" in 1866 by which Johnson had brought "the high office of the President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens."[10] In reply the defense counsel denied the general accuracy of the news accounts included within the article. "This," wrote the Tribune on March 24, "compels the Managers to prove the particular accuracy of all the newspaper reports of the speeches." An impossible task, the Tribune noted,

since "of all these speeches there were several reports, no two of which are exactly alike." The Tribune concluded that "if this case were not embarrassed by the rambling Tenth Article, the case could be closed this week."[11]

It might also be recalled that in the passage quoted from the editorial of April 6, the editor had concluded that the trial may be closed within ten days if the Managers are able to resist the temptation to 'swing-around the circle' of personal and political questions."[12]

Still disturbed by the delay in the trial created by the inclusion of the Tenth Article, the Tribune on April 15 contended that

> Had the case been confined to this single charge (removal of Stanton) the Trial would have been concluded long ago. The investigation of the other charges has served only to divert the attentions of the public from the direct and intentional violation of the law.[13]

Not only was the Tribune disturbed by the delay this article caused, but it also denied it as a valid basis for impeachment (in the issue of March 24:)

> (Though) we do not seek to lessen the enormity of disgrace of the speeches and conduct of Johnson....We do not mean to extenuate their indecorum; their profligacy of language and of sentiment; but while all his indecency of deportment and of speech served to satisfy the people what a vulgar creature Johnson was, it does not now furnish the facts of an impeachable offence.[14]

In an earlier editorial considering the historical hindsight with which the trial would be viewed by future generations, the editor had pointed out:

> Posterity will not fail to note that if Andrew Johnson was impeachable under the Butler Articles, he ought to have been impeached a year ago...These additional articles will be regarded either as an apology for past dereliction of duty, or for present performance of duty...To tug in matters nearly two years old is to give color to the copperhead charge that a technical violation of law is made the ostensible cause of impeaching him for offences which the House has not only passed over and thereby dondoned, but has once declared, by solemn vote, were not sufficient to warrant impeachment.[15]

The Tribune also briefly dismissed the Ninth Article of impeachment brought against Johnson with the expressed conviction that:

> There is nothing whatever in the President's interview with General Emory which, of itself, betrayed criminal purpose, or which, no matter how interpreted, could, standing alone, justify conviction.[16]

This article had charged Johnson with violation of the Appropriations Act of March 2, 1867, that provided that "all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army."[17] As it turned out, Emory testified that at his private meeting with Johnson, on which this Article was based, Johnson had issued no orders but sought to make sure that Washington was properly protected.

Legal Justification of Johnson's Removal

Although Johnson's "indecorum of speech," and his interview with General Emory, did not seem to the Tribune to constitute any legal basis for impeachment, there seemed to have been no doubt in the mind of the Tribune's editor that the removal of Stanton was a

> palpable violation of the letter and spirit of the Constitution and office-tenure law.... the facts pertaining to which he confessed.[18]

A similar expressed belief of Johnson's guilt was contained in the editorial of March 24:

> The verdict of the High Court will unquestionably turn on the first charge of the indictment. The acts of the President are patent, and all that is required of the court is to apply the law;[19]

and of March 26:

> The proof of violation of the Constitution and law are put in evidence by the President himself and nothing remains but to hear the argument of counsel upon it.[20]

The editorial of April 6 recognized that Johnson must be impeached on the first article, if at all, and argued that

> The trial has proven that the President and all of his cabinet and all branches of the government accepted the Tenure-Office Act as law of the land.[21]

The Tribune's argument that Johnson was guilty of violating the Constitution basically reiterated that of the prosecution:

> Since the Constitution makes no explicit provision for the removal of those officials appointed "by and with the advice and consent of the Senate," any subsequent removal could only be effected "by and with the advice and consent of the Senate." This was based on the principle that the power of appointment necessarily entails that of removal. Therefore the Office-Tenure Act was constitutional since it made explicit that implicit in the Constitution. (March 26) Johnson himself recognized the legality of the act by his compliance with the regulation in Section 2 that the President must notify the Senate of any removal during its recession within twenty days after it has reconvened. (April 6) After Johnson had affirmed its legality, he violated the provision that prohibited the dismissal of cabinet members without consent of the Senate while in session. (April 22) Section 6 of the Tenure of Office Act declared that a violation of this act would be deemed a high misdemeanor making it a subject for impeachment as provided in the Constitution.[22]

In the opening argument for the defense, Benjamin Curtis, a lawyer for the defense, had denied that Stanton had been in lawful possession of the office of Secretary of War on February 21, 1868, the day Johnson had dismissed him. The Tribune rejected this claim on the basis of the passage in the Tenure of Office Act that made the term of a cabinet member coextensive with that of the President from whom he had received the appointment:

> So far as Mr. Stanton is especially concerned, Mr. Johnson admits that he was appointed by Mr. Lincoln. Reference to the almanac will show that Mr. Lincoln's term of office has not yet expired and hence that Mr. Stanton's has not expired unless he be removed, as the law provides, with the consent of the Senate.[23]

This assumed that Lincoln's term had not expired at his death. But throughout the Tribune's repeated contention[24] that Stanton was in lawful possession of the office by virtue of his appointment from Lincoln, no mention was made of the observation of Johnson's counsel that Stanton's official commission from Lincoln had been issued on January 15, 1862,[25] during Lincoln's initial term. Nor had it been renewed. As late as April 22, the Tribune still argued that the case rested on whether Johnson was serving an original term, in which case the law would not have been violated; or finishing Lincoln's term, in which case the removal of Stanton would have been in violation of the law:

> Whether the law applies to the case of Mr. Stanton turns upon the point whether Andrew Johnson is serving an original term of four years as President, or whether he is serving for the unexpired term of four years for which Mr. Lincoln was elected.[26]

The Tribune argued for the latter interpretation.

An issue was also taken by the Tribune with the defense's argument that the designation of Johnson's appointment to Thomas as "ad interim" could not be held as a legal appointment since it was only a temporary designation. Curtis' argument in response to the third article of impeachment reasoned this way:

> (Johnson had) authorized and empowered said Thomas to act as Secretary for the Department of War 'ad interim'; and he denies that the same amounts to an appointment, and insists that it is only a designation of an officer of that Department to act temporarily as Secretary for the Department of War 'ad interim' until an appointment should be made.... This respondent denies that in any sense he did thereby intend to violate the Constitution of the United States, or that he thereby intended to give the said order the character or effect of an appointment in the constitutional or legal sense of that term.[27]

In opposition to this argument, the Tribune argued:

> It is sufficient answer to say that if the power of removal and the power of appointing 'ad interim' exist in the President independently of the Senate, then the clause of the Constitution which requires the advice and the consent in all appointments of civil officers may as well be expunged--is already expunged.... Names do not change the nature of things. Putting 'ad interim' after the title of the officer appointed cannot be allowed to overthrow the clause of the Constitution.[28]

Summarily the Tribune brushed aside this contention of the defense in an editorial of April 15 that claimed "the 'ad interim' argument is a mere quibble and does not apply to the case at all."[29]

A bias of the Tribune was again indicated in an editorial which castigated Johnson for what was interpreted as an inconsistency.

> Mr. Johnson lays great stress on the point that he wished to get a decision of the constitutionality of the law.... When an officer of the law violates the law for the purpose of testing its validity, he should be the last person to interpose a motion for delay in securing the decision.[30]

As Gideon Welles wrote in his diary,[31] Johnson had sought to test the law's validity; but the Tribune did not relate that Johnson's attempt to test the law through General Thomas had failed in the court which refused to rule on it. The Tribune later, still having made no mention of this in its editorials, attacked the legal sanction of violating a law to test its validity:

> To admit a plea that the law was violated to make a case, and that such proceedings excludes the theory of criminal intent, is to furnish every criminal in this land with a full and complete defense against any legal proceeding looking to his punishment.[32]

Another legal question that arose in the course of the trial was in regard to the admissability of the testimony of General Sherman, a witness of the defense, called upon to report to the court Johnson's conversations with him when requested to accept the office of Secretary of War 'ad interim.' Sherman in testifying, denied that Johnson had threatened to re-

move Stanton by force and told of Johnson's expressed intent to obtain a ruling by the Supreme Court on the constitutionality of the Office Tenure Act. The Tribune editorial supported the Senate vote to dismiss Sherman's testimony and claimed that if such evidence were admissable in Court, a criminal may have any number of conversations with friends disclaiming criminal intent, and then offer these conversations as proof of the intent. Perhaps more significant, however, in light of later development was the following section, from the same editorial, in support of those Republican Senators who had not voted with the party on this question of admitting Sherman's testimony;

> Senators may have thought also that, while strict rules of procedure would not admit such evidence, the Senate, not being a jury but a court, might be trusted with hearing the conversation without any danger of having its judgment unduly influenced by irregular and hearsay testimony.[33]

Throughout the Tribune's consideration of various legal arguments of the case, its hostility toward Johnson did not seem to have stemmed only from his violation of the law, but rather from the total disrespect and disregard of the law with which the Tribune believed Johnson had acted in his dismissal of Stanton and in his policy of reconstruction. Such was the attitude expressed in the editorial of March 19:

> Andrew Johnson has violated the Constitution and laws in a most high-handed manner and defiant spirit. He should not be impeached and removed for his crime without any apology.[34]

A similar attitude was contained in the Tribune's rejection of the New York Sun's suggestion that Johnson's actions might have been due to insanity. The Tribune contended that

> There is madness in the career of Andrew Johnson, a moral craziness of the most dangerous sort, but it is not physical insanity--it is the madness of conscious, deliberate crime.[35]

The focus of the Tribune's charge was again on his intransigency and outright defiance in its editorial of April 6, that postulated that Johnson believed that the failure of previous impeachment measures in Congress was "evidence of a personal or political fear of the consequences of a trial of that kind"; and "emboldened" by this belief, "ventured to violate the law and defy the authority of the people."[36]

A claim of the Tribune in its editorial of April 15 that "the act for which the country demanded the impeachment of the President was his open, defiant removal of the Secretary of War"[37] seemed to indicate that the Tribune's hostility toward Johnson was at least augmented by what it assumed to be Johnson's attitude.

Necessity of Johnson's Removal

Other factors than Johnson's dismissal of Stanton were involved in the Tribune's desire for Johnson's conviction. Among these factors was the question of the South's Negro suffrage. The Tribune, a strong advocate of Negro suffrage, viewed Johnson's removal as a necessary measure to insure the right-to-vote for the Negro. One reason for this belief was Johnson's refusal to exact from the southern states a recognition of the principle of Negro suffrage since he believed that such would be in violation of states' rights. To Johnson's "having wilfully chosen a course of hostility to reconstruction as demanded by the loyal of the whole land and defiance of Congress," The Tribune attributed his demise. In the same editorial the Tribune proposed that Johnson, by his policy, had done more than defy the people and Congress over reconstruction but had

> surrendered himself to representatives of the old slaveocracy and has meant to hand over to them the destiny of the South, and if possible, the control of the country.[38]

The Tribune's attitude toward both the South and Negro suffrage could be seen in its editorial of March 20, in which a sharp criticism was given of Alexander H. Stephens, who, in an interview, had stated:

> (I think) the policy of Mr. Johnson was generally accepted by the thinking people of the South as the true grounds for restoration of harmony between the two sections. Indeed, I think that this was the unanimous opinion of the people, and in the enforcement of the opposite policy, it is a fixed conviction with them that their doom is sealed.... I will remain and perish with the ship.[39]

In its criticism the Tribune berated Stephens, charging that the tears Stephens had expressed over a possible eruption of war between the races were

> tears over emancipation of the Blacks. Tears over the freedom given to four millions of Union loving and Union defending people. Tears that these men are entrusted with the ballot to protect their liberty against acknowledged traitors and haters of the Union. Mr. Stephens has not a tear for anything but the demise of slavery and the extinctions of special privilege. There his pity ends. The impoverishment which he bewails is the loss of human flesh no longer saleable as property and the war of races which he predicts is not to be a war to give liberty to those to whom it is now denied, but a war to maintain political and civil freedom exclusively in the one race and keep the other in degradation and bondage.[40]

In the editorial of March 28, the Tribune expressed the belief that Johnson had sought to give control of the government to the South, claiming that some government officials had been "sacrificed" because "they would not foresake their principles and support his (Johnson's) conspiracy to deliver the government over to the Rebels and Copperheads."[41]

Another editorial also relayed the Tribune's regard toward the South. It decried the unsubmissive nature of the Southerners and the ill treatment suffered by Northerners and Unionists at the hands of former rebels.

> The treatment received by Northern people in Virginia, especially in Richmond, is not such as to justify them in sending for their friends. Only those who have tried the experiment can have any conception of the social ostracism and business persecutions practiced upon Northern families. They are "cut"

and snubbed on all occasions; Southern women will hold no social intercourse with Northern women; they will neither receive nor return calls. They extend no friendship to them in church or society--unless, indeed, they openly proclaim themselves to be rebel sympathizers, and even then they are regarded with suspicion and aversion.... Many a Northern "Democrat" who went to Richmond to reside since the war, was speedily converted into a "Radical" by the social and business persecutions he suffered daily. It is very trying to the nerves and equanimity of a Northern man to see his section and its people denounced and vilified in every issue of the rebel press of Richmond, and himself destroyed unless he joins in the vilification.... This rebel generation must die out before Northern people can expect to receive decent or civil treatment at the hands of chivalry, who, during their mortal existence will curse the North and mourn for the lost cause.[42]

The editorial of April 9, titled "Providential Uses for Andrew Johnson," linked the Tribune's opposition to Johnson with its desire of Negro suffrage. Johnson, the Tribune claimed, through his unremitting opposition to universal suffrage, aided its acceptance and prevented "de facto" slavery from again occurring. The editorial went on to comment on several historical events in which strong opposition to reform had so aroused the antipathy of a nation as to secure the reform. As before, had it not been for Johnson's obstinancy

> the black races would have been an inferior caste, no more recognized by the Constitution of the United States as men than if they were cattle. From all this, Andrew Johnson's blundering stupidity, in demanding that the white population of the South should vote for themselves and the black races, has delivered us.[43]

The response of the Tribune to the action of the state legislature of South Carolina again revealed the position of the Tribune on Negro suffrage. This response was in the editorial of April 16 which consisted of the resolution adopted by South Carolina, followed by the Tribune's comments:

> 'Resolved: That under the action of the State of South Carolina heretofore taken, we recognize the colored population of the State as an integrated element of the body politic, and as such, in person and property, entitled to full and equal

protection under the State Constitution and laws, with willingness, when we have the power, to grant them, under proper qualifications as to property and intelligence, the right of suffrage.'

There is no "Radical," however extreme, who has ever asked a greater measure of negro equality than is here conceded as properly belonging to the colored people in their new condition as integrated members of the political population of the Statehouse.

We commend the intelligent action of South Carolina whites to the attention of their brethern in Illinois and elsewhere.[44]

The Tribune made no mention of the possible interpretations of the clauses in the declaration that might make such a law ineffective. But the significance that the Tribune saw in this step might have been increased by the fact that South Carolina had been the first state to secede.

The Tribune's sense of urgency in removing Johnson was further increased by its contempt for corrupt whiskey officials, with whom the Tribune believed Johnson was aligned. The "irresistable deduction" according to the Tribune, to be drawn from Johnson's refusal to dismiss or suspend corrupt officials who had been indicted was that

he is the 'head centre' of the whiskey rings; and he has aided and abetted the perpetuation of frauds upon the revenues to the amount of one hundred million per annuit.

In conclusion, therefore:

and while this does not constitute a count against him in the impeachment indictment, it will cause every honest man still more strongly to desire his speedy removal.[45]

The editorial of March 17 linked the extension of Johnson's term of office in its following comment on the Senate's refusal to grant the forty days requested by the defense:

A vote on Friday refused a forty day extension of term to Andrew Johnson. This has been interpreted by the whiskey officials in this region as a notice that their term of office is growing rapidly shorter.[46]

The editorial then offered a conjecture as to what course the whiskey officials would take as a result of the vote:

> The retiring Johnsonites can say to their victims:
> 1. We will take all of you who are notoriously guilty of fraud and violation into the court upon wholesale accusations; we will accept a conviction upon some petty charge and assent to an acquittal upon all others.
> 2. We will inspect, brand, and legalize all liquor now on hand or which may be produced before we leave office and place it beyond the reach of any officer who may come after us.
> 3. For this we want pay.[47]

An editorial of the same day made a more direct implication that Johnson himself was guilty of personal corruption in the action of the whiskey officials. In this editorial was included a short passage from the "Report of the Committee on Retrenchment of the House of Representatives" that stated "some friends of the President from Washington called on collectors and assessors, requesting a contribution of $5,000"; the Tribune concluded: "it was in fact saying to them 'you may steal as much as you please, but you must divide with me. I need the money to influence the elections and carry out my policy.'"[48]

The solution proposed by the Tribune in its editorial of March 28 to the problem of corrupt officials was the removal of Johnson, again charged as the "head centre":

> The first thing to be done before a reform can ever be instituted is to remove the 'head centre' of the corruptionists from the executive chair.... As long as Johnson occupies the Presidential chair, the 'my policy' officials will be on the 'make' and the treasury will be empty.[49]

Johnson's tenure of office was also related by the Tribune to the severe strain that had been placed on the nation's economy in an attempt to pay off the bonds issued during the Civil War. The treasury did not have sufficient funds to pay the bond issue and a national controversy

arose on the necessity of maintaining a "sound money" policy. In a reply to the query: "Is it (lack of money) because the government is defrauded yearly out of more revenue than it receives?," the Tribune answered:

> This may have something to do with it. Since Johnson became an apostate to his party and turned out all the competent and honest officials appointed by President Lincoln and filled their places with Democrats and Conservatives, the receipts of the revenue have fallen off immensely. The remedy for this disgraceful state of things is to remove the traitor and his thieving officials.[50]

The closing of this passage seemed to suggest again that Johnson's removal was necessary on grounds other than that for which he was being tried. What must be considered, if possible, is to what extent the "desire for his speedy removal" arose not from the articles of impeachment, but rather from external factors as his alleged support of corrupt whiskey officials and the previous indication of a strong fear that Johnson would "surrender the control of the country to the representatives of the old slaveocracy." That this fear was not a mere nebulous horror for the Tribune may be seen in its headline of March 17:

APPREHENSION OF A REBEL RAID ON THE CAPITOL
RUMOR THAT HANCOCK HAS BEEN ORDERED TO WASHINGTON

To some extent, however, the Tribune's attitude was colored by such factors.

A summation of the Tribune's outlook on the trial for the period prior to May seemed to be contained in the editorials of April 22 and 25. That April 22 stated:

> That these arguments will be able expostion of the law and of its application to the facts is beyond all doubt, but that they will have the least weight or influence in changing the vote of any of the judges is not expected by anybody. The arguments, for all practical purpose, might be omitted.[51]

That of April 25 made the following conclusion:

> If the removal of the President is necessary for the salvation of the Republican Party, it can only be for the same reason

that the preservation of the Union, reelection of Lincoln, the abolition of slavery, and protecting of the freedmen in their rights was necessary.[52]

CHAPTER THREE

THE CHICAGO TRIBUNE'S EDITORIALS: MAY 1 - MAY 27

Attitude of the Tribune on Conviction

The Tribune, during the early part of May, fluctuated between uncertainty and assurance as to the outcome of the impeachment effort. On May 4, the Tribune's headlines augered well the mood of those closest to Johnson:

> THE PRESIDENT'S FREINDS DESPONDENT-REPUBLICANS CONFIDENT.
> ANDREW JOHNSON PREPARING TO GO TO TENNESSEE.

Two days later, the constantly undulating editorials of the Tribune took this tack: "The Probable Failure of Impeachment".

> This unwelcomed intelligence comes from Washington that Johnson may not be convicted and removed, it is asserted that Mr. Fessenden has publicly announced that he is preparing an argument showing why the acting President should be acquitted upon the first three articles.... There are enough of these Republican Senators, it is feared, with the Democrats, to prevent conviction.[1]

Despite the admission of the Tribune that acquittal was probable, it still maintained a hope to the contrary:

> Still we shall hope for the conviction of the wretched apostate, not withstanding the alleged defection of Fessenden and others. Unless more than six Republican Senators can be found to vote against impeachment, Johnson will be removed.[2]

This self-same strain of hope the Tribune expressed in another editorial of that day. The Tribune contrasted the imbroglio of Johnson to that in which England's Prime Minister, Disraeli, found himself. The conjecture of the Tribune was that "probably these two self-made statesmen will seek retirement about the same time." Also evident from the editorial of that day was that the Tribune's personal attitudes toward Johnson, atleast publicly, had not altered. Reference to Johnson included the labels "great criminal" and

"wretched apostate."

The Tribune's fear that Johnson might be freed of the charges against him were quickly dismissed in the editorial of the following evening, May 7. An outlook favorable toward conviction emanated from the editorial. "The Washington special reporters yesterday had gotten over their panic of the day before and impeachment stocks higher with an upward tendency." The editorial them reaffirmed Johnson's guilt in his responsible violation of the law and Constitution. In light of the evidence and proof, failure to convict, the Tribune inferred, would actually be a conviction of the House, Senate, and people.

> Now to acquit Andrew Johnson is to impeach the Senate, to insult and degrade the House, and to betray the people. If Johnson is not guilty of violating the law and Constitution, the Senate is guilty of sustaining Stanton in defiance of the Constitution; is guilty of helping to pass an unconstitutional law; is guilty of interfering with executive perogatives...If the President, in disregard of his oath, may trample the law, who is bound to obey it? If the President is not amenable to the law, he is an emperor, a despot; then what becomes of our boasted government by law, of our lauded free institutions?[3]

This editorial was the final one to convey any strong confidence in a successful removal of Johnson, though the Tribune did not cease to admit its own hope for the contrary. The possibility of conviction remained, the Tribune contended, but it probably did not.

Almost a week transpired before the Tribune proffered another conjecture of the outcome of the trial. This conjecture was negative. The editor proposed to probe into the political consequences of an acquittal, "as it is not improbable we shall be compelled to announce that verdict." The Tribune acknowledged that, without doubt, "there will be a feeling of almost universal disappointment in the Republican party over the acquittal of Johnson, if that be the verdict of the Senate;" but as for the Tribune, "we do not take

so dismal view of the consequences." No longer did the Tribune attempt to align an acquittal of Johnson with an accusation of Congress. Rather, the Tribune contended, an acquittal would not release Johnson from his responsibility for the crimes of the corrupt whiskey officials. An added benefit in the event of an acquittal, the Tribune asserted, would be to prevent Benjamin Wade from hurting the Republicans in the upcoming presidential elections in November. Another result would be the cessation of the Democrat's claim that the decision of impeachment was based solely on partisan politics rather than justice.[4]

With the removal of Johnson in doubt the Tribune no longer feared the consequences of acquittal as, it alleged, "he can do little to harm the country." Despite its view of the consequences, the Tribune still stated: "We still have some hope that Johnson will be convicted and removed, but we shall not be surprised if the contrary result is announced."

The following day, May 12, had been scheduled as the day for the vote. The editorial, as on the previous day, again professed doubt that Johnson would be found guilty.

> Our apprehensions that Johnson would not be acquitted have, according to present appearances, proved correct. Unfortunately his legal guilt has not been made out to the satisfaction of a constitutional majority of the Senate.

In agreement with the Republican party, the Tribune conveyed regret over the likely verdict of acquittal and voiced its disapproval of Johnson's actions. However, in opposition to a large part of the Republican party, it failed to demand a conviction at all costs; but professed a desire for a conviction based solely on justice:

> In conformity with all who disapprove of Johnson's course, we profoundly regret that the administration of the government is to remain in his hands. It is desireable that the executive should cooperate with Congress...But it is not desireable that

> this result shall be reached by any road but the road of justice ...far better his acquittal than his conviction upon grounds that might be condemned by the next generation. The record of this trial will pass into history. It will be studied by the young men who are to govern the future. It will be scanned by lawyers whose sight will not be dimmed by prejudice. A temporary benefit to the Republic is nothing compared with the permanent injury which would be inflicted by the deposition of a President upon insufficient grounds.[5]

The Senate postponed the vote on impeachment as a result of the illness of one of its members. Howard, a Senator from Michigan. In its editorial of May 13, the Tribune anticipated no change in the vote as a result of the postponment. A brief analysis of impeachment was contained in the editorial:

> The first article is lost beyond the possibility of rescue. The speeches of Sherman and Howe have killed it. The second article is the only resting place left...(of the eleventh article)--we have no expectations that even a majority will vote to convict on this account.[6]

In the editorial of May 16, the day of the vote, the Tribune gave a different view of the Eleventh Article. It had realized that the Managers would pass for a first ballot conviction on one of the articles in order to insure that no fence-straddler's votes would be lost through timidity.

> (Thaddeus Stephens) therefore charged him (Johnson) with an attempt to defeat the execution of the law. That is the high misdemeanor which old Thad had thought could be proved against Johnson; and it is very probable that if the President is convicted, it will be on the Stephen's count in the indictment. It would be a proud thing for the grim old leader of the House if his trap alone c aught the great criminal.[7]

This article had failed to obtain a conviction, and the Tribune's editorial of May 26, the final day of the trial, claimed that the fact that the eleventh article was selected as the strongest one on the list, and that it failed, leads us to suppose that there is not much expectation in any quarter of a conviction on the remaining ten.

The Tribune's New Attitudes Toward the South and Wade

The Tribune's earlier strong urgency for impeachment seemed to have become an almost passive acceptance of a verdict that would absolve Johnson. The sense of urgency no longer permeated the editorials. What, if anything, in the editorials reflected the decision of the Tribune to view the impeachment as no longer vital to national security?

The editorials had taken a noticeable change in their interpretations of the South and its condition. An editorial on May 2, speaking of the states of North Carolina, South Carolina, Georgia, Louisiana, and Arkansas said:

> These states may be regarded as substatially reconstructed and may now, if ever, be safely trusted with self-government. States should be admitted at once, Senators and Representatives, if eligible, should be admitted at once.[8]

An editorial of May 11 that spoke of acquittal as the most probable result related acquittal to the problem of restoring the Southern States to the Union.

> It is too late now for Johnson to prevent the lost tribes from returning...The only thing needful to reestablish the nation in its integrity is the assurance that the work so far accomplished shall not be undone, but shall be pushed forward as rapidly as the case will permit.[9]

On May 13 the Tribune reported the progress made in restoring the Southern States to the Union, and attributed it to the impeachment trial which had made Johnson cognizant of, and favorable toward, the Reconstruction policy desired by the Congress and the nation.

> During the three months that have intervened Andrew Johnson has been a changed man. The country has been at peace. The great obstruction to the law has been virtually suspended; the President, with his hands crossed on his breast, has been upon his good behavior. He knows now the perils of the impeaching process... He will perhaps owe his escape to the vote of the framer of the Civil Rights Bill and that of the author of the famous

> Reconstruction Report of 1866. He may find that those judges who now spare him are the men, who by their ability and learning, have been instrumental in defeating his policy.
>
> During these three months in which impeachment has been progressing, Andrew Johnson has permitted the laws to be executed and what has been the result? Six of the rebel states, which by his consent and influence, have remained in a state of disorganization a little short of anarchy, have had elections in which the whole people have participated...(in Georgia) the Constitution has been adopted and a state government elected. The people of North Carolina, South Carolina, Florida, Louisiana, and Arkansas have done the same as their neighbors in Georgia and these six states are now waiting for recognition by Congress and the admission of their representatives...[10]

The difference in the Tribune's outlook regarding the South in these two periods paralleled the shift from assurance of conviction to doubt. This shift seemed to again indicate that the situation of the South had exercised a strong influence on the Tribune throughout the trial.

None of the editorials, however, mentioned the probable consequences of acquittal in reference to the corrupt whiskey officials, strongly attacked during the first period. This situation could only have become more favorable to the Tribune if Johnson were removed. It might have been this that induced the Tribune to still desire conviction, yet in a modified tone without the urgency required when the South was of vital concern. Another factor that might have served to lessen the Tribune's opposition to Johnson was the character of Benjamin Wade and his friends. The Tribune held Wade responsible for the reluctance of several Senators, who were aware that Wade would be the presidential successor, to vote against Johnson. One objection that these Senators had was Wade's promise to support an increased tariff. The Tribune had earlier rejected a rumor that Wade would do so. It regarded the rumor as a piece of propoganda designed to dissuade some Senators from impeaching Johnson.

By the first of May, Wade had openly promised to endorse such a measure.

The Tribune, in an editorial of May 2, castigated Wade, and those seeking an increased tariff, charging them with the responsibility for Johnson's acquittal, if that should occur:

> If Mr. Johnson should be acquitted by the Senate, the unsatiable lobby who are pushing upon Congress a new tariff bill, which Wade has publicly promised to help them put through, in the event that he succeeded to the Presidency, will be responsible for the calamity...
>
> Mr. Wade's obstinancy being fully a match for his profanity, there is no hope that he will recede from his position...if Johnson is acquitted, upon their heads be the guilty responsibility.[11]

The editorial of May 6, which had first publicly expressed doubts that Johnson would be convicted, attributed the hesitancy of some Senators to convict Johnson to their fear that Wade would become President.

> It is further stated in the dispatches and private letters that prejudice against Wade, who would become Johnson's successor, has very much to do with the disinclination to convict...if it were not known what Senator was to become Johnson's successor, there would be little doubt of the conviction of Johnson.[12]

Wade's friends also came under attack in the editorial. One reason was the pressure they had been applying at the Republican National Convention in an attempt to secure for Wade the Republican cadidacy for President or Vice-President. The editorial further attacked those "office-hunting friends of Wade" who openly announced what office Wade had promised them, after he succeeded Johnson, as responsible for the probable failure of impeachment.

> If impeachment shall fail, and the great criminal escape ejectment from the White House, the country may thank the office-hunting friends of Wade who had parceled out his patronage and that Eastern ring who has whetted their teeth for a deeper bite into the flesh of the people.[13]

The Tribune, on May 11, again berated Wade and his friends for their indecorum of filling office posts prior to the vote on impeachment. The most flagrant of these was Wade's nomination of E.B. Wood as Secretary of the Treasury. After the impeachment vote on May 16 failed, the Tribune devoted

its editorial of May 20 almost entirely to its distrust and dislike of Wade, opposing his candidacy at the Republican National Convention held in Chicago.

The Tribune's Defense of the Integrity of the Senators

Of paramount importance in the Tribune's editorials were the good name and the reputation of the Senators. The first editorial in which the Tribune confirmed the moral obligation of the Senators to vote according to their own convictions as to Johnson's guilt was on April 25 which had urged them to be:

> uninfluenced by a desire to be vindicated in the future without fear or reward or hope for reward... to discharge its whole political duty as the guardian of the Constitution and rights and powers of Congress. 14

The Tribune continued to uphold this principle in opposition to those who demanded that the Republican Senators vote against Johnson, and who assailed those Senators who had indicated an inability to vote for a conviction in the light of testimony. The Tribune in its editorial of May 11, contended that the Senators, disregardless of personal interests, who had not been convinced of Johnson's guilt would vote for acquittal:

> Whatever Republican Senators vote for Andrew Johnson's acquittal, will do so because they belive that he is not guilty of high crimes and misdemeanors within the meaning of the Constitution... they know that the current of public opinion is strictly against him and they are urged by every political consideration to turn him out of the White House; they know that they jeopardize their popularity for the time being by resisting political prejudice; but they are sworn to act with a single eye toward the question whether Johnson's guilty...If it shall turn out the Senate... declare him not guilty, the people will sooner or later honor them for their courage and conscientiousness. 15

The emphasis of the editorials from May11 to May 16 was in support of the moral integrity of the dissenting Senators and recognized that the decision of those Senators must be based on personal conviction rather than pressure

from their constituents. This was strongly emphasized in the editorial of May 12.

> Our apprehension that Johnson would be acquitted have, according to present appearances proved correct. Unfortunately his legal guilt has not been made out to the satisfaction of the Senate... When such lawyers as Trumbull and Fessenden declare that high crimes and misdemeanors have not been proved against the accused, it is not for the layman to assume that they are mistaken...When Republican Senators so upright and intelligent as Grimes and Henderson resist the popular pressure and personal appeals stronger than were before brought to bear upon members of the court; and in a case, too, of a man to whom they are politically hostile, it must be because they act upon their views of the law and in conformity with the dictates of their consciences; for every other motive would urge them to adjudge Johnson guilty.[16]

Reaction of the Tribune to Allegations Against It

Though the Tribune did uphold those dissenting Senators, in no editorial prior to the actual vote did it oppose conviction or give approval to Johnson's actions. That of May 12, continued "...in conformity with all who disapprove of Johnson's course, we profoundly regret that the administration of the government is to remain in his hands." But the verdict desired by the Tribune was one based solely on justice.

> We are not discussing the question of Johnson's guilt or innocence. We believe that if he did not technically violate the law he intended to do so. But we know, and every one knows, that the offhand opinion of a judge, delivered in advance of evidence and of arguments, upon a cursory view of a case, is likely to be reversed by himself upon a full trial.[17]

The Tribune came under sharp criticism in the New York Tribune, edited by Horace Greeley, for its support of the Republican Senators who had declared themselves against impeachment. In it, the Chicago paper was accused of "backsliding" from its opposition to Johnson. Such a criticism induced the Tribune, in its editorial of May 13, to defend its own policy and stress that it had sought Johnon's removal:

> An evening contemporary, which has not been noted for its

exhibition of backbone in its dealings with Andrew Johnson or saying anything else, accuses us of want of spinal stiffness in the present emergency. Our columns bear witness that we labored for the conviction of Andrew Johnson to the last day and hour that we could hope to exercise any influence upon the result... Nor shall we join in crucifying any Republican Senator of previous good repute who takes upon himself the penalties of martyrdom rather than do violence to his own conscience.[18]

Another source of criticism against the Tribune for its lenient attitude towards Johnson, were the executive committees of the Grant clubs, assembled in Chicago for the Republican National Convention. The Tribune gave little attention to the attack on its own policy, but bitterly criticized both the resolution adopted by those at the meeting that "the Republicans of Chicago, without a dissenting voice demand the conviction of Andrew Johnson;" and the personal animosity toward those Senators who opposed conviction. The Tribune wrote:

The gentlemen who attended this meeting are for the most part our friends. They have the same right to their opinions that we have to ours, and we shall not quarrel with them for any expression they may choose to give them. The tone and spirit of the meeting are set forth in the following resolution: "Resolved, that the Republicans of Chicago, without a dissenting voice, demand the conviction of Andrew Johnson." We would suggest as an amendment to this resolution the addition of the words: "Provided, our Senators believe, upon their oaths and consciences, that he has been guilty as charged in the articles of impeachment." An aged delegate in the Methodist conference, while the impeachment business was pending before that body, and before it had been laid on the table by an overwhelming vote, made a remark which we commend to the gentlemen who passed the above resolution. Said he: "My understanding is that impeachment is a judicial proceeding, and that Senators are acting under oath. Are we to pray to Almighty God that they violate their oaths?"

So far as anything personal to ourselves is concerned in the proceedings of this meeting, we have only to observe that we have encountered squalls in our time compared with which this is the merest zephyr. Why, we ask, did not these gentlemen make their unconditional demand upon the Senate before the Senators had declared their views of the case? Why did they preach about an impartial trial beforehand? Why did they not declare then that the trial was intended to be a farce, a fraud, and a lie, instead of

waiting until now? Why did they not pass a resolution beforehand like this: "Resolved, that Andrew Johnson must be convicted, whether guilty or not." This is the substance of what they passed.[19]

These attacks produced a more expressed desire of the Tribune for conviction as well as a more forceful expressed defense of its editorial policy in supporting the Republican party's campaign for impeachment. During the last two days before the vote on May 16, the Tribune did not fail to express a belief that Johnson was guilty, at least intentionally, if not legally.

That of May 14 stated:

> There has been no more determined opponent of Andrew Johnson in the United States from the day of his defection to the present, than the Chicago Tribune. This paper never faltered nor hesitated in the condemnation of his recreancy, nor in the exposure of his treachery and malicious proceedings; but the Chicago Tribune, in common with a large majority of the House of Representatives and of the Republican masses, did not see sufficient legal grounds for an impeachment. We opposed impeachment up to February last, because to that time there was no adequate legal cause for which he could be found guilty of high crimes and misdemeanors. We then warned the rash, reckless and inconsiderate, who were seeking to make impeachment anyhow, a policy of the party, that the Senate could not be driven into participation in such a proceeding, and would resist it.
>
> Finally, in February last Andrew Johnson removed the Secretary of War and appointed a successor ad interim while the Senate was in session, and in the excitement consequent upon such a high-handed outrage, such a bold violation of the law, and such a wanton assertion of Executive supremacy, as it generally is regarded to be, the House of Representatives...resolved that he be impeached and brought to trial.[20]

and on May 15:

> We are not discussing the question of Johnson's guilt or innocence. We believe that if he did not technically violate the law he intended to do so. But we know, as every lawyer knows, that the offhand opinion of a judge, delivered in advance of evidence and of arguments, upon a cursory view of a case, is as likely to be reversed as sustained by himself upon a full trial.[21]

Although the Tribune expressed a belief in Johnson's guilt, it recognized that a Senator, as a result of the ambiguity of the case, might be

convinced of Johnson's innocence and vote for acquittal.

> While we have done this from an honest conviction that we were right, we have been fully aware that the case, when developed in the full light of all the facts and the law, was surrounded with difficulties and embarrasments that might fairly challenge the judgement of the ablest and wisest...Strong and confirmed as are our own opinions as the proper construction of the law, we can readily see how a man can conscientiously vote that the law means otherwise.[22]

The Tribune still maintained that a Senator's vote should be considered as the result of a personal conviction, with freedom to disagree with the majority. It therefore attacked whoever demanded that the Senators vote for conviction:

> But the decision of that question is a judicial one to be made by the High Court provided by the Constitution...Each Senator is, as to the facts and the law, a court unto himself, to give his decisions as his conscience sees fit. Certain of these Republican Senators (with all the Democrats) have announced their inability to concur in a conviction; others have declared their purpose to vote for acquittal upon certain articles and conviction upon others. These Senators are among the most distinguished members of the Republican party-men eminent for their statesmanship, their legal learning and the personal purity of their character.
>
> There may be a conviction upon one, or perhaps two, articles; on the others there will be an acquittal more or less divided. The man who demands that each Republican Senator shall blindly vote for conviction upon each article is a madman or a knave. Why a Senator, or any number of Senators, should be at liberty to vote as his conscience dictates on all the articles, provided there be a conviction on some one of them, and not be at liberty to vote conscientiously unless a conviction is secured, is only to be explained on the theory that the President is expected to be convicted no matter whether Senators think him guilty or not. We have protested, and do now protest, against the degredation and prostitution of the Republican party to an exercise of power so revolting that the people will be justified in hurling it from place at the first opportunity. We protest against any warfare by the party or any part of it against any Senator, who may, upon the final vote, feel constrained, to vote against conviction, upon one, several, or even all of the articles. A conviction by a free and deliberate judgement of an honest court is the only conviction that should ever take place on impeachment; a conviction under any circumstances will be a fatal error. To denounce such Senators as corrupt, to assail them with contumely and upbraid them with treachery for failing to understand the law in the same light of their assailants, would

be unfortunate folly, to it by the mildest term: and to attempt to drive these Senators out of the party for refusing to commit perjury, as they regard it, would cause a reaction that might prove fatal not only to the supremacy of the Republican party, but to its very existence. Those rash papers which have undertaken to ostracize Senators--men like Trumbull, Sherman, Fessenden, Grimes, Howe, Henderson, Felinghuysen, Fowler, and others--are but aiding the Copperheads in the dismemberment of our party.[23]

The Tribune publicly defended the moral integrity of Senators Trumbull and Henderson. A legation from Missouri had demanded that Henderson vote for conviction or not at all. Henderson volunteered to resign, but after the legation refused to accept it, he withdrew his proposal. In response to those who demanded that Henderson vote as they wished, the Tribune wrote:

> Desirous as we are that Andrew Johnson should be deprived of the power to do further mischief, yielding to know one in devotion to the Republican party, and in the determination to apply its principle everywhere and to make its policy the national policy, to be carried out by every department of the government, we are nevertheless, unable to approve of the methods by which short-sighted persons at Washington are attempting to attain these results. We cannot join with those who would take Mr. Henderson by the throat, with the demand "Vote for conviction or not at all." A Senator who should allow this argument to prevail over his convictions of duty would forfeit his self-respect and gain nothing to compensate for the loss. Conviction procured by such means would be exceedingly unprofitable....In the judgement he pronounces upon the articles of impeachment, every Senator, should be governed by judicial considerations, and by those only..But of what significance is a trial, where the verdict is a foregone conclusion, or where the juror's vote is not given according to his best judgement upon the law and the evidence, but according to the judgement of outsiders.[24]

The following day the Tribune attacked the resolution of the Executive Committees for Grant Clubs that had demanded that Senator Trumbull vote for conviction:

> the reslutions of this meeting are full of bitterness against Judge Trumbull. The gentlemen, who demanded that Judge Trumbull should rule for conviction whether he believed Johnson to be guilty or not, ought rather to thank God that they have a Senator who dares to do his judicial duty as he understands it--one who has the high courage and manliness to go through the Red Sea of obloquy and odium for conscience sake. Whether they will find another after he is crucified may well be doubted. One thing is certain, the Republican party not only cannot carry the next presidential election on a

> verdict obtained by coercion and terrorism, but it cannot carry any election at any future time with such a record. Let it be well understood by the people that should the Republican party demand the conviction of Andrew Johnson, right or wrong, hit or miss, there will be the devil to pay and no pitch hot.[25]

Perhaps the editorial of May 27, after the second vote on impeachment had failed, was the Tribune's final reply to those who had charged that Trumbull, Henderson and, at the end, Ross had accepted bribes:

> It is a somewhat curious commentary on the charges proferred by the newspaper correspondents against Ross of Kansas, that his name was not embraced in any list of Senators whom it was supposed possible to bribe....The Senator who voted against conviction but whose name Weed said he had never heard mentioned by the ring was Senator Henderson of Missouri.[26]

The editorial continued, listing Nye, Pomeroy, and Tipton as three Senators Weed had expected to bribe for a vote of acquittal. Weed denied that any attempt at bribery, though contemplated, had occured. Nye, Pomeroy, and Tipton had all voted for impeachment. In this manner the Tribune seemed to be implying that those who had voted for conviction may have been charged with personal corruption on more solid basis than Ross, Henderson and Trumbull.

In a separate editorial on May 27, the Tribune vehemently criticized the Republican Senators who, by a vote of 28-26, postponed the trial "sine die" rather than vote on the remaining articles. The Tribune concluded that the decision of the Senate, after the first vote on May 16, to postpone the vote on the remaining articles was simply a measure to restrain Johnson from resuming his reckless course of reconstruction, aware of possible impeachment if he should do so. The Tribune did not impute such high ideals to the Senate's postponment after the failure of the second vote:

> The adjournment sine die of the court of impeachment, after voting on only three of the eleven articles exhibited against the President, was a most undignified proceeding. It was cowardly enough to jump

> the first article, but to turn tail and run away from the whole list, after taking the vote on the second and third, was precisely the course calculated to bring contempt upon htose who adopted that policy. On the question of dodging the first article, the vote stood 28 to 26. In the absence of any other testimony, that record must be taken as showing how the vote would have stood on the question of the President's right to remove the Secretary of War.[27]

Another factor worthy of note in the editorial of May 27, was that the Tribune mentioned that it had first learned on May 12 of the defense's argument that Stanton was not in legal possession of the office of Secretary of War, since his only commission was dated 1862. This fact as well as a close reading of the editorials of May 14 and May 15 seem to question whether the Tribune then actually desired Johnson's conviction merely to make Horace Greeley's criticism against its attitude toward Johnson unwarranted. The earlier mild form of the Tribune's expressed "hope" indicate that it could have been the latter.

> We had believed, fully and honestly, up to the time that Senator Sherman made his speech in the secret session, on the 12th instant, that the President's act in removing Secretary Stanton was unlawful ...nor did we know until then that Mr. Stanton's only commission as Secretary of War was dated in 1862, and hence that he was not holding office under an appointment covering the whole of Mr. Lincoln's second term. These being the facts, as developed in the debate on the 12th, how much better it would have been for the Senate to have faced the music and voted squarely in accordance with the facts![28]

In conclusion the Tribune castigated the Senators who had been stampeded by fear of a failure to secure impeachment.

> We take it that the entire body of the Republican party would have preferred that the Senate should vote on every article and specification in its regular order. We assume that those who were most intensely anxious that the President should be convicted do not sympathize with the panic which overtook the twenty-eight states who stampeded. The dispatches idenominations (sic) these men as radicals, but we cannot honor them with that title. A radical is one who stands by his own guns. The radical Representatives of the United States never take fright. If they make a mistake on a bad manuoevre on the field, they try to avoid it the next time, but they never show their back to the enemy.[29]

EPILOGUE

The trial ended May 26. That same day Stanton resigned from his office, which had been the focal point of the prosecution's case. Three days later the Senate confirmed the appointment of General Schofield as the new secretary. A tranquility prevailed throughout the final nine months of Johnson's reign, despite Representative Butler's preliminary report to the House on July 3 which alleged that the votes of the "recusant" Republican Senators had been won for acquittal through bribery.

Footnotes

Chapter One.

1 "Copperheads" was a term used to denote those of the North who had opposed the war against the South. Normally the term was applied to the Democratic party.

2 According to D.M. DeWitt, Booth had first plotted to kidnap Lincoln and force terms of peace between the North and South. Disparing of this after Lee had surrendered, Booth's mind snapped and he shot Lincoln. D.M. DeWitt, The Judicial Murder of Mary E. Surratt (Baltimore: John Murphy & Co., 1895), pp. 92-93.

3 Eric L. McKitrick, Andrew Johnson and Reconstruction (Chicago: University of Chicago Press, 1960), p.21.

4 As quoted by McKitrick, op. cit., p.64.

5 As quoted by McKitrick, op. cit., p. 62.

6 Ralph Korngol, Thaddeus Stevens: A Being Darkly Wise and Rudely Great (New York: Harcourt, Brace and Company, 1955), p. 256. no source given

7 Ibid.

8 For the text of the proclamation, see James D. Richardson, A Compilation of the Messages and Papers of the Presidents (New York: Bureau of National Literature, Inc., 1897), VIII, 3508-3510.

9 Korngold, Thaddeus Stevens, p. 258.

10 McKitrick, Reconstruction, p. 91.

11 Richardson, Messages and Papers, p. 3646.

12 McKitrick, Reconstruction, pp. 142-147 passim.

13 Richardson, Messages and Papers, p. 3511.

14 The text for Schurz' report may be found in Words That Made American History: Since the Civil War, ed. by Richard N. Current and John A. Garraty, (Boston: Little, Brown and Company, 1962), pp. 27-44. The text of Grant's is from Documents of American History, ed. by Henry Steele Commager, (New York: Appleton-Century-Crofts, Inc., 1949, 5th ed.), 11, 10-11.

15 McKitrick, Reconstruction, pp. 76-84 passim. The author gives several quotes supporting this idea that much of Congress believed Johnson's policy to be experimental.

16 Carl Schurz, "Unrepentant Southerners", in Words That Made American History, ed. by Richard A. Current and John A. Garraty, p. 40.

17 John A. Carpenter, "Southern Violence and Reconstruction" in The Age of Civil War and Reconstruction, ed. by Charles Crowe (Homewood, Illinois: Dorsey Press, 1966), pp. 379-380. Quoted from a letter from Tillson to Elijah Foster and A. M. Campbell, Oct. 16, 1866 NA.

18 Jack B. Scroggs, "Southern Radicals Fight for Reconstruction" in The Age of Civil War and Reconstruction, ed. by Charles Crowe, p. 412. As quoted from Clapp to Butler, Nov. 9, 1865.

19 Carpenter, "Southern Violence" in Age of Civil War, p. 382.

20 Francis Butler Simkins, A History of the South, (New York: Alfred A. Knopf, Publisher, 1963), p. 265.

21 cf. Commager, Documents of American History, 11, 2-7.

22 Ibid.

23 Simkins, History of the South, p. 268.

24 Chicago Tribune, Dec. 1, 1865; p. 2.

25 McKitrick, Reconstruction, pp. 166-169; 200-202.

26 Korngold, Thaddeus Stevens, p. 267. It might also be important to note here that only eight months had passed since Lee's surrender to this time!

27 As Korngold points out: "Out of forty-four other persons who gave testimony before the committee regarding this matter, no less than forty-two confirmed Bott's statement that Johnson's 'special pardon and leniency to the leading rebels had a very bad effect upon them (Southern leaders) and caused them--humble and meek at the close of the war-- to assume again all their former hauteur and insolence towards the North.'" Korngold, Thaddeus Stevens, p. 268.

28 Richardson, Messages and Papers, pp. 3551-3569.

29 Ibid., p. 3606

30 Gideon Welles, Diary of Gideon Welles; Feb. 16, 1866, ed. by Howard K. Beale, (New York: W. W. Norton and Company, Inc., 1960) p. 434

31 Richardson, Papers and Messages, pp. 3596-3603.

32 Ibid., p. 3606

33 Ibid., p. 3611.

34 Controversy over the election of Stockton resulted in the Republicans presenting a protest to the Senate. A vote was taken in the Judiciary Committee to whom the protest had

been referred. This was on the 30th of January and all but one voted to accept Stockton's election as valid. The next debate on the affair came on the 22nd of March. A vote was taken on the 23rd. Morrill of Maine, who had made a pair with Democratic Senator Wright of New Jersey, broke his agreement, casting the tying ballot against Stockton. Stockton then cast his own vote which was disallowed on the following Monday. A second and final ballot was taken on the 27th, which unseated Stockton 23-20. Cf. McKitrick, Reconstruction, pp. 319-324.

35 Only six bills of any kind had previously been passed by both Houses over a presidential veto. The first was a bill on revenue cutters and steamers vetoed by President Tyler; the other five were internal improvements bills all vetoed and repassed during the Pierce administration. Cf. McKitrick, Reconstruction, p. 323n.

36 For Johnson's message, see: Richardson, Messages and Papers, pp. 3584-3590.

37 Mckitrick, Reconstruction, p. 358n.

38 Milton Lomask, Andrew Johnson: President on Trial (New York: Farrar, Straus and Cudahy, 1960), p. 180.

39 McKitrick, Reconstruction, p. 432.

40 Richardson, Messages and Papers, pp. 3670-3683.

41 McKitrick, Reconstruction, p. 492.

42 Commager, Documents of American History, 11, 35.

43 Ibid., p. 32.

44 Ibid., pp. 35-36.

45 Ibid., p. 37.

[46] Ibid., pp. 37-38.

[47] Richardson, Messages and Papers, p. 3670.

[48] Ibid., p. 3732.

[49] Ibid., p. 3750-3754.

[50] Ibid., p. 3928.

[51] Ibid.

[52] Ibid., p. 3931.

[53] Ibid., pp. 3907-3912.

[54] Ibid., pp. 3912-3916.

[55] Benjamin Curtis had served for a time on the Supreme Court during which he had delivered a dissenting opinion in the Dred Scot case. Thomas Nelson, a personal friend of Johnson's, was a judge from Johnson's home town. William Groesbeck, a lawyer from Cincinnati and a former Democratic Representative, had replaced Black on the counsel after Black resigned when Johnson failed to support Black's client's claim to the Caribbean island of Alta Vela, rich in guanao deposits. Perhaps the most famous of all the defense counsel was Willaim Evarts. His Republican affiliation caused Welles and others to warn against his selection to the defense. (cf. Welles, Diary, p. 308), This changed after Evart's brilliant defense of Johnson; and Welles, on July 21, wrote of him as being "of clear minded... and of extraordinary ability." (cf. Welles, p. 409). Evarts was appointed to finish the remainder of Stanberry's term as Attorney General. Under President Hayes he became Secretary of State. In 1885 he was elected to the Senate after which term he retired..

Chapter Two.

[1] "New Hampshire Elections", Chicago Tribune, March 13, 1868, p. 2.

[2] "Whiskey Frauds", Chicago Tribune, March 14, 1868, p.2.

[3] "Andrew Johnson's Doom", Chicago Tribune, March 26, 1868, p. 2.

[4] "The Impeachment", Chicago Tribune, April 6, 1868, p.2.

[5] Ibid.

[6] "Vice Presidency", Chicago Tribune, April 8, 1868, p.2.

[7] Ibid.

[8] "Impeachment and Tarrif Question", Chicago Tribune, April 21, 1868, p. 2.

[9] "Impeachment Trial", Chicago Tribune, April 15, 1868, p. 2.

[10] Richardson, Messages and Papers, p. 3915.

[11] "Andrew Johnson's Answers", Chicago Tribune, March 24, 1868, p. 2.

[12] "The Impeachment", Chicago Tribune, April 6, 1868, p.2.

[13] "Impeachment Trial", Chicago Tribune, April 15, 1868, p. 2.

[14] "Andrew Johnson's Answers", Chicago Tribune, March 24, 1868, p. 2.

[15] "Swinging Around the Circle", Chicago Tribune, March 19, 1868, p. 2.

[16] "Andrew Johnson's Answers", Chicago Tribune, March 24, 1868, p. 2.

[17] Commager, Documents of American History, 11, 37.

[18] "Impeachment Trial", Chicago Tribune, April 15, 1868, p. 2.

[19] "Andrew Johnson's Answers", Chicago Tribune, March 24, 1868, p. 2.

[20] "Andrew Johnson's Doom", Chicago Tribune, March 26, 1868, p. 2.

[21] "The Impeachment", Chicago Tribune, April 6, 1868, p.2.

[22] Commager, Documents of American History, 11, 36.

[23] "First and Second Impeachment Articles", Chicago Tribune, March 25, 1868, p. 2.

[24] cf. editorials of March 25; April 9; 11; 22; 25, 1868.

[25] Richardson, Messages and Papers, p. 3926-3927.

[26] Editorial, Chicago Tribune, April 22, 1868, p. 2.

[27] Richardson, Messages and Papers, p. 3935

[28] "First and Second Impeachment Articles", Chicago Tribune, March 25, 1868, p. 2.

[29] "Impeachment Trial", Chicago Tribune, April 15, 1868, p. 2.

[30] "First and Second Impeachment Articles", Chicago Tribune, March 25, 1868, p. 2.

[31] Editorial, Chicago Tribune, April 22, 1868, p. 2.

[32] Welles, Diary, Feb. 26, 1868; p. 294.

[33] "General Sherman's Testimony", Chicago Tribune, April 14, 1868, p. 2.

[34] "Swinging Around the Circle", Chicago Tribune, March 19, 1868, p. 2.

[35] "Insanity of Andrew Johnson", Chicago Tribune, March 14, 1868, p. 2.

[36] "The Impeachment", Chicago Tribune, April 6, 1868, p.2.

[37] "Impeachment Trial", Chicago Tribune, April 15, 1868, p. 2.

[38] "Insanity of Andrew Johnson", Chicago Tribune, March 14, 1868, p. 2.

[39] "An Unhappy Rebel", Chicago Tribune, March 20, 1168, p. 2.

[40] Ibid.

[41] "A Disgraceful State of Things", Chicago Tribune, March 28, 1868, p. 2.

[42] "Rebel Treatment of Northern Men", Chicago Tribune, March 31, 1868, p. 2.

[43] "Providential Uses for Andrew Johnson", Chicago Tribune, April 9, 1868, p. 2.

[44] "A Light in South Carolina", Chicago Tribune, April 16, 1868, p. 2.

[45] "Whiskey Frauds", Chicago Tribune, March 14, 1868, p.2.

[46] "A Raid on the Whiskey Ring", Chicago Tribune, March 17, 1868, p. 2.

[47] Ibid.

[48] Editorial, Chicago Tribune, March 17, 1868, p. 2.

[49] "A Disgraceful State of Things", Chicago Tribune, April 28, 1868, p. 2.

[50] "Questions and Answers", Chicago Tribune, April 2, 1868, p. 2.

[51] Editorial, Chicago Tribune, April 22, 1868, p. 2.

[52] "Senators and Impeachment", Chicago Tribune, April 25, 1868, p. 2.

Chapter Three.

[1] "Probable Failure of Impeachment", Chicago Tribune, May 6, 1868, p. 2.

[2] Ibid.

[3] "Impeachment", Chicago Tribune, May 7, 1868, p. 2.

[4] "The Consequences of Johnson's Acquittal", Chicago Tribune, May 11, 1868, p. 2.

[5] "End of Impeachment", Chicago Tribune, May 12, 1868, p. 2.

[6] "Impeachment Postponed", Chicago Tribune, May 13, 1868, p. 2.

[7] "The Eleventh Article", Chicago Tribune, May 16, 1868, p. 2.

[8] Editorial, Chicago Tribune, May 2, 1868, p.2.

[9] "The Consequences of Johnson's Acquittal", Chicago Tribune, May 11, 1868, p. 2.

[10] "What Has Happened During the Impeachment Trial", Chicago Tribune, May 13, 1868, p. 2.

[11] Editorial, Chicago Tribune, May 2, 1868, p. 2.

[12] "Probable Failure of Conviction", Chicago Tribune, May 6, 1868, p. 2.

[13] Ibid.

[14] "Senators and Impeachment", Chicago Tribune, April 25, 1868, p. 2.

[15] "The Consequences of Johnson's Acquittal", Chicago Tribune, May 11, 1868, p. 2.

[16] "End of Impeachment", Chicago Tribune, May 12, 1868, p. 2.

[17] "The Meeting of Wednesday Evening", Chicago Tribune, May 15, 1868, p. 2.

[18] "Impeachment Postponed", Chicago Tribune, May 13, 1868, p. 2.

[19] "The Meeting of Wednesday Evening", Chicago Tribune, May 15, 1868, p. 2.

[20] "Impeachment", Chicago Tribune, May 14, 1868, p. 2.

[21] "The Meeting of Wednesday Evening", Chicago Tribune, May 15, 1868, p. 2.

[22] "Impeachment", Chicago Tribune, May 14, 1868, p. 2.

[23] Ibid.

[24] "Senator Henderson", Chicago Tribune, May 14, 1868, p. 2.

[25] "The Meeting of Wednesday Evening", Chicago Tribune, May 15, 1868, p. 2.

[26] "Mr. 'W' and the Impeachment Trial", Chicago Tribune, May 27, 1868, p. 2.

[27] "An Undignified Proceeding", Chicago Tribune, May 27, 1868, p. 2.

[28] Ibid.

[29] Ibid.

BIBLIOGRAPHY

Primary Sources

The Chicago Tribune. Editorials, March 13-May 27, 1868.

Commager, Henry Steele, ed. Documents of American History. 5th ed., Vol. 11. New York: Appleton-Century-Crofts, Inc., 1949

Richardson, James D., ed. A Compilation of the Messages and Papers of the Presidents. Vol. V111. New York: Bureau of National Literature, Inc., 1897.

Schurz, Carl. "Unrepented Southerners." Words That Made American History. Edited by Richard N. Current and John A. Garraty. Boston: Little, Brown and Company, 1962.

U.S., Congress. Senate. Trial of Andrew Johnson, President of the United States. S. Docs. 3vol. 40th Cong., 2d sess., 1868.

Welles, Gideon. Diary of Gideon Welles. Edited by Howard K. Beale. New York: W.W. Norton and Company, Inc., 1960.

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Secondary Sources

Beale, Howard K. The Critical Year: A Study of Andrew Johnson and Reconstruction. New York: Harcourt, Brace, 1930.

Carpenter, John A., "Southern Violence and Reconstruction." The Age of Civil War and Reconstruction. Edited by Charles Crowe. Homewood, Illinois: Dorsey Press, 1966.

DeWitt, David M., The Judicial Murder of Mary E. Surratt. Baltimore: John Murphy & Co., 1895.

_____. The Impeachment and Trial of Andrew Johnson. New York: Macmillan, 1903.

Korngold, Ralph. Thaddeus Stevens: A Being Darkly Wise and Rudely Great. New York: Harcourt, Brace and Company, 1955.

Lomask, Milton. Andrew Johnson: President on Trial. New York: Farrar, Strauss and Cudahy, 1960.

McKitrick, Eric L., Andrew Johnson and Reconstruction. Chicago: University of Chicago Press, 1960.

Scroggs, Jack B., "Southern Radicals Fight for Reconstruction." The Age of Civil War and Reconstruction. Edited by Charles Crowe.

Simkins, Francis Butler. A History of the South. 3rd ed. New York: Alfred A. Knapf, Publisher, 1963.

Stryker, Lloyd Paul. Andrew Johnson, A Study in Courage. New York: Macmillan, 1929.