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The Relation of Thaddeus Stevens to National Developments

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THE RELATION OF THADDEUS STEVENS TO NATIONAL DEVELOPMENTS

BY

MILDRED BRYANT-JONES

A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT

OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN THE

DEPARTMENT OF HISTORY

LOYOLA UNIVERSITY

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VITA

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THE RELATION OF THADDEUS STEVENS TO NATIONAL DEVELOPMENTS.

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PREFACE

This subject was chosen because of an intense interest aroused during childhood days, to know more of the life and activities of a man whose efforts toward the Nation's development provoked such sharp criticism. A tragic descendant of the Civil War, I found difficulty in reconciling the harsh judgement which Thaddeus Stevens quite generally received, with the guarded praise and appreciation accorded by a few. In attempting to ascertain definitely Stevens' real relation to national developments I have permitted neither admiration nor blame to influence the findings from the available sources. Because of the general rancor of historians and the prevalent bias of most of Stevens' biographers, it has been necessary to confine the research, as far as possible, to those records which recount events concerning his activities, with a minimum of comment as to their good or evil effect.

Part III contains the material presented in the writer's thesis for the M. A. degree in History, with additional pertinent material supplied in the Appendix. The unfailing encouragement and the helpfulness of Dr. Paul Kiniery and the Reverend Fathers Joseph Roubik and Jerome Jacobsen have been of invaluable assistance in this and all similar undertakings.

Mildred Bryant-Jones

Chicago, June 1940.

In 1868, the year in which Thaddeus Stevens died, L. P. Brockett wrote of him:

"It is not often the case that an eminent political leader who has, either in local or general politics maintained a position for years in the forefront of of the hottest battle, identified with the unpopular, as well as the popular measures of his party, and then withdraws for a series of years from political life, ever regains his old prestige and influence. Mr. Stevens is, however, an exception to this, as to most other general rules."¹

This remarkable man was born in Danville, Vermont, April 4, 1792, the year following the admission of Vermont to the Union. He grew up in a democratic society. At the time of Stevens' birth, the Revolutionary War was a comparatively recent event and equality and rights of men were uppermost in the minds of many. He was lame from birth and sickly throughout his youth. He attended Peacham Academy, the University of Vermont, and Dartmouth College; from which last named institution he was graduated in 1814.² Stevens was then twenty-two years old and wholly dependent upon his own resources. He determined to study law, and the year after his graduation removed to Pennsylvania where he taught school and studied law.³

The county of York, as well as that of Adams, to which Stevens afterward moved, bordered on the slave territory of Maryland. He thus found himself in the midst of that conflict in which he won "the victory which has immortalized his name."⁴

¹L. P. Brockett, Men of Our Day (St. Louis, 1868), 441.

²J. A. Woodburn, The Life of Thaddeus Stevens (Indianapolis 1913), 1-5.

³S. W. McCall, Thaddeus Stevens, Statesman (New York, 1899), 19.

⁴Ibid., 20.

The Constitution provided that persons held to service or labor in one state and who escaped into another, should be delivered when claimed by the owner. The questions arose as to whether the inhabitants of free states should thus be forced to assume the role of slave hunters; and whether or not a free man might be claimed as a slave, and not have the question of his freedom passed upon by a jury. Stevens answered both of these questions in the negative. He was very sensitive to the sight of men being claimed as property and remanded into slavery.⁵ He felt strongly that liberty was the inherent right of all men and should never be considered as a mere abstraction. Throughout his long life, in both his private and public affairs, he maintained this ideal and fought persistently for its realization.⁶

Stevens is described as being by nature one of the type of politicians who seize one idea and exploit it so consistently as to win a reputation. It is said that he seldom appeared in any other role than that of an advocate who was determined to destroy some established order which was tending to meet with disapproval of the public.⁷ He was especially identified with the financial measures of War, with the great amendments to the Constitution, and with the impeachment of Andrew Johnson.⁸ A consistent foe of

⁵Ibid., 21.

⁶Ibid., 353.

⁷Benjamin B. Kendrick, The Journal of the Joint Committee on Reconstruction (New York, 1914), 156.

⁸McCall, 111.

privilege and a true democrat, equality was the dominating principle of his life. "He deemed no man so poor or friendless as to be beneath the equal protection of the laws, and none so powerful as to rise above their sway."⁹

⁹Ibid., 353.

PART I

PRIOR TO THE CIVIL WAR, 1829 - 1860

CHAPTER I. STEVENS, OPPONENT OF MASONRY.

Campaign, 1829-31---National Convention
---Masonry---Anti-Masonic attack---
Speech in 1835---Anti-Mason bill---
Campaign of 1836---Division in Anti-
Masonic party.

CHAPTER I

STEVENS, OPPONENT OF MASONRY

Thaddeus Stevens lived in a time when privileged groups had entrenched and enriched themselves; when effectual barriers had been established to shield the government from the masses; and when long tenure of office, restrictive suffrage, and limited educational opportunities hindered the common man from a realization of the right to which he was entitled. Political machines which were emerging in metropolitan areas, capitalized public discontent. Local politicians viewed the success of Andrew Jackson's followers in 1828 and adopted their methods.⁷

Stevens' first appearance in public life was in 1833, when he became a member of the Pennsylvania Legislature from Adams County. Doctor McCarthy, the historian of the Anti-Masonic party speaks of this as "the most significant fact in the history of Anti-Masonry in Pennsylvania."⁸

⁷The Anti-Masonic effort in New York and Pennsylvania was the weapon intended to dislodge the hold of the privileged groups which were so powerful in controlling the affairs of the state.

⁸Woodburn 13.

As it is known today, Freemasonry is of English origin and dates back only to London in 1717. It was introduced in America in 1730 by the Grand Lodge of England, when Daniel Coxe of New Jersey was made Provincial Grand Master for Pennsylvania, New Jersey, and New York. St. John's Lodge in Philadelphia was chartered by Coxe in the latter part of 1730 or early in 1731. "Benjamin Franklin's account book shows that he sold stationery to that lodge in 1731. Franklin, himself, became a Mason in that year." There have been numerous Masonic rites, all of which drew their initiates from the first three symbolic (English) degrees of entered apprentice, fellowcraft, and master Mason. The English rite consists of the first three degrees and includes the "holy royal arch." The American rite consists of those degrees and, if desired, continues with four others, namely, mark master, past master, most excellent master, and royal arch Mason. There are also several optional degrees. The New International Encyclopedia, Second Edition (New York, 1916) XV, 193, 197.

About this time an opponent of Stevens described him as a lawyer of much training, adroitness, and of considerable celebrity. He stated that Stevens, an Eastern man, had been all his life an undeviating Federalist, a staunch friend of John Quincy Adams, and a bitter opponent of Andrew Jackson. Further, he expressed a decided opinion that Stevens was Masonry's leading and most powerful foe.⁹ After the disappearance of the Federalist party, Stevens displayed no active interest in politics until the advent of the Anti-Masonic party in 1829.¹⁰

In 1827, when he had been on the same side of a law suit with James Buchanan, he had been advised by Buchanan to support Jackson but he refused because he did not believe in the political principles represented by Jackson. Stevens seemed quite ready to unite forces with any organization opposed to Jackson, if the organization appeared to have any chance of success.¹¹ A new issue, which had no connection with previous political questions and which seemed suddenly to over-shadow other issues, was brought to the attention of the country. One William Morgan, an ex-Mason, was abducted by members of the Masonic order and was never seen again. Morgan had declared his intention to disclose the secrets of the organization.

⁹Ibid., Cited from Pennsylvania Reporter, March 23, 1830.

¹⁰Ibid., 14. Stevens had been quick to discern the political implications of the opposition to Masonry and was among the first to declare allegiance to the party.

¹¹McCall, 28. In the fall elections of 1828, Stevens carried Adams County for John Quincy Adams in opposition to Andrew Jackson.

The trial of the accused Masons aroused indignation in many parts of the country, and the question of the wisdom of secret societies, particularly Free-Masons, was forced into politics. Reports of the trial impressed even those who were not in sympathy with the Anti-Masonic movement that the courts were contaminated, and that justice had been miscarried by Masons who were pledged and bound to each other by secret oaths before taking the oath to administer fair and impartial justice. Almost immediately an Anti-Masonic party, which controlled 33,000 votes, appeared in New York. At the following election, the membership had increased to 70,000. Stevens was one of the first men in Pennsylvania to declare his sympathy with the principles of the new party and to announce his adhesion to it. He denounced the institution whose members, he believed, were bound by an oath to control the government and to "pervert the administration of justice in their own favor."¹² He considered Masonry "an imperium in imperio" and spoke of it as a "secret oath-bound, murderous institution that endangered the continuation of Republican government."¹³

Under the leadership of Thaddeus Stevens, the Anti-Masonic party in Pennsylvania, in 1829, made a campaign for the governorship and chose Joseph Ritner as their candidate, in opposition to the Free-Mason candidate, Wolfe. Though Ritner was defeated, the Anti-Masonic showing was such that

¹²Ibid., 29.

¹³Charles H. McCarthy, "Anti-Masonic Party", American Historical Association Reports. 1903. Vol.I, 435; Woodburn, 14.

there was no doubt either of its energy or of the rather phenomenal suddenness of its rise.¹⁴ This party, whose platform had but one plank-- uncompromising opposition to secret societies--was strong enough, in 1829, to attract the majority of those who opposed the Democrats. Through lectures, pamphlets, and newspapers the principles of Anti-Masonry became widely known.¹⁵ Stevens' forceful advocacy of Anti-Masonry and his extraordinary power of leadership caused him to become a target for newspapers which represented opposing political views. Realizing the necessity of a favorable newspaper to aid the advancement of the Anti-Masonic party, he tried, in 1829, to establish one in Gettysburg. Offers to subsidize the two papers there met with no success, but with the financial help of a friendly client, he immediately founded the Anti-Masonic Star, which remained the organ of his party as long as he resided in Adams County.¹⁶

In 1830, Thaddeus Stevens was elected delegate from Adams County to the state Anti-Masonic Convention in Harrisburg. This convention was held in February, 1830 to elect delegates to a national gathering. Joseph Ritner, who later became governor of Pennsylvania, was the presiding officer.¹⁷ Stevens' activity in many of the counties, throughout the years, resulted in the Anti-Masonic party becoming politically important.

¹⁴William H. Hall, Reminiscences and Sketches (Harrisburg, 1890), 26.

Ritner polled 49,000 votes, carried seventeen counties, and received a large vote in seven others.

¹⁵Egle Papers, Archives, Pennsylvania State Library. The Anti-Masonic Herald, established in June 1828 by Theophilus Fenn and Thomas Veazey at New Holland in Lancaster County was the first party newspaper printed in the state.

¹⁶The Client was George Hines who lived near Gettysburg.

¹⁷Pennsylvania Reporter, March 2, 1830.

In the autumn it elected six Congressmen, four state Senators, and twenty-seven members of the House. It also claimed to have polled fifty-four thousand votes.¹⁸ During 1830, many independent opponents of the Democratic party, as well as some of clay's adherents, joined the Anti-Masonic forces.¹⁹

In September 1831, the party met in National Convention and nominated William Wirt for President and Amos Ellmaker, Stevens' personal friend, for Vice-President. Stevens was prominent in this convention. Since only ten states sent representatives, the national interest shown was not impressive, but because the method of selecting candidates at a National Convention was later adopted by all other parties, the meeting was historically important.²⁰ The establishment of this method of selecting candidates constitutes a real contribution of the Anti-Masonic party to the Nation's formal political procedure.

Among the leading men of the time who supported this new party were John Quincy Adams, William Seward, John Marshall, Richard Rush, Amos Walker, Myron Holly, and William Slade. In this convention, Stevens made a notable speech in which he condemned the unrepubli- can spirit of Freemasonry. He complained of the silence of the press in regard to the convention. The people scarcely knew of it. He asserted that the grave charges brought against public men and the consequent disclosures were of vital interest to the public, "yet the papers....are as silent as the grave."

¹⁸Albany Evening Journal, October 26 and November 11, 1830.

¹⁹Thomas F. Woodley, Great Leveller, The Life of Thaddeus Stevens (New York, 1937), 45.

²⁰Ibid., 45.

This, he regarded as evidence that there was operating a sinister influence which considered itself higher than the laws of the Nation.²¹ He disclosed the fact that though the Masons numbered but one hundred thousand of the population of the United States, almost all the offices "of high honor and profit" were filled by Masons. Eighteen of the twenty law judges in Pennsylvania and twenty-two of the twenty-four states were governed by members of the Masonic order. He appealed to the people of the United States to exclude from places of power the members of the "irreligious and blasphemous institution."²²

Despite the publicity given the National Convention, the Anti-Masonic party succeeded in electing only two state Senators and twenty Assemblymen, and Stevens was unable to carry his county for the Anti-Masonic Ticket. A general dissatisfaction with the Democratic National Administration resulted in a revived interest in the National Republican party, and this, in turn caused an exodus of many votes from the Anti-Masons to the Republicans. But the Anti-Masons went doggedly ahead with their organization during 1831 and 1832. They kept in touch with their partisans through local meetings in which spirited speeches were made, distributed party literature, and established newspapers, especially in the German sections of the State. The effect of their constant energetic work was soon evident.

²¹Woodburn, 14.

²²Ibid., 15. (Speech, 1831, Christian Cynosure, April 5, 1883).

Masonic lodges began to disband and many of the suspending lodges issued statements in which they explained that their action was taken, not because of any truth in the charges made against them, but because of interest in the public welfare.²³ By 1838, over seventy warrants for Masonic lodges in Pennsylvania had been vacated and only forty-six were left. More than four hundred lodges had been dissolved in New York State and those which remained in operation constituted only a third of the original number.²⁴

In 1832, Joseph Ritter, again the Anti-Masonic candidate for the governorship, was defeated by approximately 3000 votes. Though the Anti-Masons were apparently as strong as previously in the offices of Congressmen, state Senators and Assemblymen, they were defeated in their presidential vote. Andrew Jackson's popularity was such that he obtained 24,000 votes more than his opponents. Stevens was able to maintain an Anti-Masonic ascendancy only in the counties of Adams and Franklin.²⁵ Anti-Masonry had been remarkably strong in the State of New York, but there, and in practically every other state except Pennsylvania, this election struck it a blow from which it never really recovered. In Pennsylvania, Stevens ignored both the party defeat and the apparent indifference of his

²³ Adams Sentinel, May 13, 1833. This paper was not revived until January 23, 1860. The members of the Gettysburg Lodge, which was organized in January 1825 and dissolved in December 1832, stated that, in order to avoid strife, they felt that duty compelled them to "yield to the solicitations of their friends and the opinion of those who were honestly opposed to the Institution."

²⁴ O. J. Harney, History of Lodge 61, F. & A.M. (Wilkesbarre, 1897), 100.

²⁵ New York Commercial Advertiser, November 21, 1832; Pennsylvania Telegraph, November 21, 1832.

constituents, announced his candidacy for the Legislature, goaded his Adams County followers into action, and succeeded in what was his first real campaign.²⁶

It was as an Anti-Mason who firmly believed in the cause of his party that Thaddeus Stevens became a member of the State Legislature of Pennsylvania in 1833. He was appointed chairman of a committee to investigate Masonic activities. Stevens soon offered a resolution which proposed to investigate the expediency of a law which would make membership in a Masonic lodge sufficient cause of challenge in court when but one of the parties was a Mason; and in all criminal cases if the defendant was a Mason; and that a Masonic judge should not be permitted to try a case if one of the parties in the suit was a Mason. The resolution was defeated by only eleven votes. Stevens believed that when Masons were called upon to act as witnesses, magistrates, sheriffs, jurors, or legislators, they would unhesitatingly violate their sacred obligations in these civil relations and take any steps they thought necessary to avoid judicial justice, in order to shield their fellow Masons. He and the other honest men of his party held the conviction that Masonry constituted a serious threat to the existence of free institutions.²⁷ Had the committee, of which Stevens was Chairman, been permitted to make its report, Governor Wolfe would have been required to testify and to explain under oath the principles of the

²⁶ Woodley, 47.

²⁷ Woodburn, 16.

organization and the extent to which executive action had been influenced by the Masonic order.²⁸ Because he was so persistent in his efforts to have Masonic secrets exposed, Stevens' enemies dubbed him the "Grand Inquisitor General."²⁹

In 1834, Stevens offered another resolution to the Legislature, instructing the judiciary committee to bring in a bill for the suppression of Masonry. This second bill was also defeated, but in the following years, he succeeded in securing the appointment of a committee to "investigate the evils of Free Masonry and other secret societies." The committee had no power to commit witnesses for contempt and, consequently, could not compel the Masons it summoned to testify. The result was that the investigations amounted to very little.³⁰ When Patterson, a Democrat, attempted a counter attack by presenting a petition to inquire into "the evils of Anti-Masonry and the extent of its injustice and wicked operations upon the community," Stevens immediately moved that it be referred to a committee with power to send for persons and papers. His committee to investigate Masonry had been denied this sub-poena power, without which no real investigation could be conducted.³¹

²⁸ Pennsylvania General Assembly, Report of Committee Appointed to Investigate Evils of Free Masonry. Catalog number H.2527, P4, 1836, at Library of Congress.

²⁹ American Sentinel, Philadelphia, June 5, 1838.

³⁰ Woodburn, 17.

³¹ Woodley, 48.

Woodburn is of the opinion that a careful examination into the motives of the members of the Anti-Masonic party and of its leaders, like Stevens, will disclose the fact that, in great measure, the movement was prompted by a sincere desire to secure freedom and equality among all citizens and to prevent the establishment of ranks and orders which would promote especial privileges among men. Undoubtedly, it was Stevens' democracy and love of free institutions, his devotion to "equal rights and unshackled republicanism" that led him to promote the cause of the Anti-Masonic movement. The party is entitled to respect for its fundamental doctrines of the supremacy of the laws. Advocates of Anti-Masonry always contended that the selection of men for office should be subservient to the fundamental principles of our civil institutions. This was Stevens' political faith and no one could more ably or more eloquently set forth this cause than he.³²

When the Legislature adjourned in April 1834, Anti-Masonry had shown that it was a political power in Pennsylvania, and Thaddeus Stevens had achieved state-wide importance. Early in the December session he offered a resolution of high indictment against Masonry. In this resolution Anti-Masonry's platform and position are set forth clearly and concisely.³³ The resolution was laid on the table and the House refused to pass the usual motion to have it printed. Stevens, undismayed, tenaciously renewed his attempts and, on March 14, the House passed his resolutions against

³²Ibid., 18.

³³See Appendix for text of same.

secret extra judicial oaths.³⁴

Ritner defeated Muhlenberg for the governorship in 1835 and became the first and only Anti-Masonic Governor of Pennsylvania. The Anti-Masons also elected enough Legislators so that, with the Whigs, they held seventy-two out of the one hundred seats in the Lower House. Although they were in a minority in the Senate they could control both houses on a joint vote.³⁵ In his inaugural address, the governor indicated that Stevens' party would be prominently recognized during his administration. He said:

"The supremacy of the laws and the equal rights of the people, whether threatened or assailed by individuals, or by secret sworn associations, I shall, so far as may be compatible with the constitutional power of the Executive, endeavor to maintain as well in compliance with the known will of the people, as from obligations of duty to the Commonwealth. In these endeavors, I shall entertain no doubt of zealous cooperation by the enlightened and patriotic Legislature of the State. The people have willed the destruction of all secret societies, and that will cannot be disregarded."³⁶

The Legislature convened on the first day of December. On the following day, Stevens stated that he would on tomorrow ask leave to bring in a bill entitled "An Act to suppress secret societies bound together by secret and unlawful oaths." The request was granted and Stevens was appointed chairman of a committee to bring in the bill. He reported four days later and

³⁴Woodley, 54. The words "Masonic" and "Odd Fellows" were struck out, however, and "all secret societies" inserted.

³⁵Harrisburg Chronicle, January 18, 21, 1835.

³⁶Ibid.

presented five petitions for an investigation of Free Masonry. Power was given him to "send for persons and papers" but witnesses who were thus forced to appear, refused to be sworn.³⁷

In 1835, the citizens of Washington County, Maryland, invited Stevens to attend an Anti-Masonic Meeting in Hagerstown. He delivered a speech. Among other things he said:

"Wherever the Genius of Liberty has set a people free, the first object of their solicitude should be the destruction of Free Masonry and all other secret societies....The oaths of Free Masonry are inconsistent with pure morals, true religion, and the permanent existence of liberty.... They swear to promote one another's political preferment....None but a Mason can be President. Henry Clay is Grand Master of Kentucky. Two things are indispensable to the continuance of national liberty,--the independence of the public press and the impartial administration of justice. The tyranny of Masonry destroys both."³⁸

The Gettysburg Republican Compiler published a report of this speech in a letter from Hagerstown, and added some personal reflections upon the speaker. Stevens brought a successful libel suit against the publisher, Jacob Lefever, who was convicted, fined fifty dollars and sentenced to three months in prison. Governor Wolfe, a Mason, extricated Lefever by pardoning him.³⁹ A civil suit filed against Lefever for damages dragged on

³⁷Ibid.

³⁸Woodburn, 19. ("Free Masonry Unmasked", 1835. Pamphlet of The Historical Society of Pennsylvania.)

³⁹Ibid., 22; Woodley, 43. (Gettysburg Star.)

for years, but, finally, Stevens was awarded \$1800 damages.⁴⁰

As the campaign of 1836 approached, the ranks of the Pennsylvania Anti-Masons became divided. Some favored the nomination of General Harrison for the Presidency; but Stevens and other radical members of the party protested. Stevens submitted a series of questions to Harrison. He asked whether Harrison believed that oathbound secret societies were an evil and inconsistent with the genius and safety of a republican government, and whether he would join his Anti-Masonic fellow-citizens in using "constitutional, fair, and honorable means for their final and effectual suppression."⁴¹ Harrison's answer that the attempt to exercise such authority might be conducive of more mischief than the evils it was proposed to remedy, was unsatisfactory to Stevens, and he used his influence for Webster as the Anti-Jackson candidate. When, however, a state convention of Anti-Masons, in December 1835, refused to send delegates to an Anti-Masonic National Convention and nominated Harrison and Granger for President and Vice President, the radicals, led by Stevens, protested and refused to participate further in the proceedings. Stevens and his followers proposed to hold a National Convention in May. He was one of the

⁴⁰Hall, 26. Under the Sheriff's execution, Stevens bought in Lefever's property, but, magnanimously, left it with him, and assigned the remainder of the judgement to Mrs. Lefever. Soon after the judgement was entered, Stevens had filed a proposal that if Lefever would name the writer of the letter, no more of the verdict than the actual expenses incurred would be exacted. Lefever refused. See Appendix for proposal.

⁴¹Woodburn, 24.

delegates appointed to it. An address issued by them indicates the intensity of Stevens' anti-Masonic feeling. It charged that the Masonic Whig Convention which had nominated Harrison had been influenced and probably controlled by Masons. It was asserted that the Convention had sat with closed doors like a "Star Chamber", and had voted down a resolution asking General Harrison to declare himself for Anti-Masonic principles. In the address, Stevens appealed to true Anti-Masons to refuse to sanction this coalition and to be bound by the decisions of the National Convention. The appeal was not effective, for already the policy of continuing a party with the single idea of opposing Masonry was losing ground. The general Whig movement absorbed the Anti-Masonic party and Harrison was nominated by the Whig National Convention. Because of his unbending opposition to Jacksonian Democracy, Stevens reluctantly supported Harrison, though many of the radicals refused to vote for him. The Whigs and the Anti-Masons were defeated in the state election in 1836 and Stevens was not returned to the Legislature.⁴²

Though intensely interested in Anti-Masonry, Stevens was active in other political and public issues. In 1838, he became canal commissioner of the state. In this position, he had control of considerable patronage, and one of his political opponents in Congress asserted in later years that he "inaugurated a system of colonization for political effect which

⁴² Ibid., 25; McCarty, 483.

politicians have improved upon and practiced more or less ever since."⁴³ Stevens consistently gave his support to the anti-slavery movement and to the cause of free schools; he offered a resolution in the Legislature instructing the Pennsylvania delegates to Congress to favor internal improvements by "promoting measures for improving the navigation of the Ohio River;" and he proposed a Pennsylvania charter for the second United States Bank, which Jackson so vigorously opposed.⁴⁴

Thaddeus Stevens undoubtedly understood the political implications of Anti-Masonry but it does not appear that he regarded it solely in that light. To him Anti-Masonry exemplified a fundamental principal of democracy--that of making all men equal before the law. That George Washington, a defender of the Constitution, had given Masonry his support mattered not at all to Stevens. Nor was he impressed by the fact that as a President of the United States, George Washington held the distinction of being the first Masonic President, the first President to be Master of a Lodge, the first President to march in a Masonic procession, and the first President to be buried with the Masonic rites.⁴⁵ He remained firm

⁴³Woodburn, 26. (Judge Woodward's Memorial Address on the Life of Stevens, Congressional Globe, 188, 72.)

⁴⁴Ibid., 26.

⁴⁵William L. Boyden, Masonic Presidents, Vice Presidents, and Signers Washington, 1927), 37.

in the conviction that Masons were pledged to promote the political advancement of members of their Order in preference to non-members and that they actually did so. In the last year of his life, he suspected Masonic complicity in the impeachment proceedings against President Johnson and wrote to the Clerk of the House of Representatives requesting the names of Congressional members who were Free Masons.⁴⁶

⁴⁶Stevens' Papers, Vol.XVI. Library of Congress.

CHAPTER II. DEFENDER OF FREE SCHOOLS--UNITED STATES BANK

Existing conditions---Agitation for improvement---
Legislative action---Stevens' Speech---Result of
Stevens' efforts---Bank Charter---Stevens' Bill---
The Outcome.

CHAPTER II

DEFENDER OF FREE SCHOOLS---UNITED STATES BANK

The first half of the nineteenth century was characterized by many movements at social reform. That in behalf of tax-supported, publicly controlled schools was one of the most outstanding and, perhaps, the hardest fought one. The first quarter of the century was a period in which the public was being educated to the necessity of such schools through the medium of educational propaganda. Between 1825 and 1850, common schools were becoming actualities. This period has been designated as "A period of public agitation and educational propaganda, of many hard legislative fights, of a struggle to secure desired legislation, and then to hold what had been secured."¹ In arousing public sentiment and in causing a realignment of the people, the struggle for free schools was surpassed only by the struggle for the abolition of slavery. The establishment of free schools affected the social, economic, and political life of the time. Opposition to them was based not only on unwillingness to accept the burden of increased taxation, but on the fact that private schools, which represented great investments, would be affected, and the state would assume functions which could be best performed by the individual. The majority of the people who opposed public schools were taxpayers, proprietors of private schools, and conservative aristocrats; the friends of the movement were those who, though not actively opposed, were

¹E. P. Cubberly, Public Education in the United States (Boston, 1934), 164.

Humanitarians, reformers, public men of vision, non-taxpayers, and many who had all to gain by their establishment. Since the men who framed the Constitution did not delegate to Congress the powers to establish schools and to supervise public education, the battle for free schools had to be waged in each state separately.²

During the same session in which he so actively opposed Free Masonry, Stevens secured, in the face of a determined opposition, the passage of a bill making a liberal appropriation, for Pennsylvania College at Gettysburg. There appears to be no copy of his speech extant, but the editors of the Harrisburg Telegraph declared at the time that it was "one never excelled, if ever equalled in the hall."³ In recognition of Stevens' services in the cause of education, one of the finest buildings of the college was given the name of Stevens Hall. During this session, too, he rendered his great service to the public school system, and against tremendous odds, won a victory which he regarded, even after he had achieved his wide fame, as the greatest accomplishment of his life.⁴

In Pennsylvania, the system had long prevailed of furnishing public education only to self confessed paupers. In order to secure an education for his children at public expense, it was necessary for a father or guardian to make it appear that he was not able to furnish them the means of

²J. P. Wickersham, History of Education in Pennsylvania, (Lancaster 1886), 15,16.

³McCall, 33. (Pennsylvania School Journal, February 1891.)

⁴Ibid., 34.

education. In substance, the system was identical with that of the Friends' Public School, established in 1697, which was a system for the education of "the rich at reasonable rates, the poor to be maintained and schooled for nothing." During the colonial period, church and local schools were generally conducted in accordance with this principle.⁵ The establishment of free institutions gave birth to notions of equality which made it impossible to continue a system which maintained a distinction in the public schools between children who paid and those who were regarded as public charges. Wickersham asserts that it was impossible to preserve in the school such class distinctions as had been broken up in general society.⁶ The truth of this statement was apparent when, in many cases, parents who were poor, kept their children at home rather than permit them to be educated under conditions which would so seriously impair their self respect.⁷

Thaddeus Stevens has been frequently referred to as the father of the common school system in Pennsylvania, but he may be more accurately designated as the savior of the system.⁸ Philadelphia was the first city to provide for free schools at public expense. Agitation for the extension of the Philadelphia Plan to the whole state resulted in the Public School Act of 1834, which provided for public schools for all. This act was passed

⁵Wickersham, 294.

⁶Ibid., 295.

⁷McCall, 35.

⁸Woodley, 110.

with only one dissenting vote and was signed by Governor Wolfe on April 1. But this principle of free public education, "like most noble things," involved some cost. There were the taxes. The people were willing to have reform but did not feel inclined to pay for it. Nearly half of the districts of the State either rejected the act⁹ or ignored it. In the following Legislature the Senate voted for repeal of the school law by passing a substitute bill, which bore the title "An act making provision for the education of the poor gratis." The bill passed the Senate with only eight dissenting votes. Thirteen Senators voted for it who had voted for the free school act of the previous session. It also appeared certain that the House would not uphold the cause of free schools. Many members who had voted in favor of free schools had been retired to private life.⁹ "The Legislature was inundated by petitions for repeal." Thirty-two thousand petitioned for repeal, while only twenty-five hundred petitioned for retention of the law.¹⁰ The Democrats held a caucus and passed a vote requesting the Democratic Governor Wolfe, who was friendly to the law, not to oppose its repeal, since a veto of the bill, which seemed sure to pass, would defeat him for re-election.¹¹ The situation was desperate, and it

⁹McCall, 36; Woodburn, 42.

¹⁰S. P. Bates, Martial Deeds of Pennsylvania (Philadelphia, 1975), 983. Stevens was of the opinion that more than fifty thousand persons signed repeal petitions, but that many of them did not reach the committee.

¹¹Ibid., 984.

appeared that the law would be repealed. The Senate bill to repeal came up in the House on April 10 and 11, 1835. Up to that time, popular opinion, which favored repeal, had swept everything before it.

Stevens had been absent from Harrisburg while much of the action had taken place. When he returned, a colleague,¹² who favored the law, informed him that the bill repealing the law had passed the Senate with only eight dissenting votes; that a test vote of reference in the House indicated a majority of thirty in its favor; and that the friends of the free school law had decided it was useless not to vote for repeal. In fact they felt bound to vote for repeal, since three-fourths of their constituents had petitioned for it.¹³ Thaddeus Stevens, "The commoner, the democrat, the friend of the poor, the man who believed with his whole soul in popular education and republican government",¹⁴ had been returned to the Legislature by a small majority and had been instructed to vote for repeal of the law; but he stood by his convictions and became the chief defender of free schools.¹⁵ Governor Wolfe had indicated that, despite the request of the Democrats, he would veto the repeal,¹⁶ and Stevens, consequently, felt somewhat fortified, though he was the only member in the Legislature who dared defy public opinion. He moved to strike out all of the Senate bill

¹²McSherry of Adams County.

¹³McCall, 38.

¹⁴E.B. Callender, Thaddeus Stevens, Commoner (Boston, 1882), 32.

¹⁵Woodburn, 43.

¹⁶Woodley, 111.

after the enacting clause, and to substitute for it a bill strengthening the law it proposed to repeal.¹⁷ On that motion, Stevens then made a speech which, according to Woodburn, produced an effect "second to no speech ever uttered in an American legislative assembly" and which revealed his fearless public spirit and democratic principle.¹⁸ McCall, in describing the scene, states that the hall was "packed to suffocation" and nearly the entire Senate and most of the State officers, as well as the members of the House were present. Stevens, in the prime of manhood, was erect and majestic.¹⁹

Stevens was thoroughly alive to the importance and seriousness of the occasion and, with impressive simplicity, thus began his defense of the law:

"I will briefly give you the reasons why I shall oppose the repeal of the School Law. To repeal it now, before its practical effects have been discovered, would argue that it contained some glaring and pernicious defect, and that the last Legislature acted under some strong and fatal delusion, which blinded every man of them to the interests of the Commonwealth"²⁰

He asserted that no formal arguments were requisite to prove the utility and absolute necessity of education to free governments, and undertook to show that the free school law was salutary and helpful; that the experience of a single year under the free school system would afford evidence that education would cost more than one-half less and would produce better and

¹⁷McCall, 38.

¹⁸Woodburn, 43.

¹⁹McCall, 39.

²⁰A.H. Harris, Biographical History of Lancaster County (Lancaster, 1872), 578; Pennsylvania Reporter, April 15, 1885; Woodley, 111.

more permanent instruction than under the plan then in effect.²¹ He predicted a saving of more than a million dollars each year on the education of the half million children in the state.²² Stevens declared that the repealing act was of a hateful and degrading character and was a re-enactment of the pauper law of 1809. The law proposed that assessors should take a census and make a record of the poor; that the teacher should keep in his school a pauper book and register the names and attendance of poor children; thus causing them embarrassment. He said that hereditary distinctions of rank are odious, but distinctions founded on poverty are infinitely more so.²³ In regard to the complaints because of the tax, he pointed out that the complaining citizen cheerfully pays the tax necessary to support and punish criminals but laments that which prevents his fellow-being from becoming a criminal.²⁴ Stevens' plea was against the cultivation of an aristocracy of pride and wealth, and against the establishment of castes. Referring to the backward condition of the colleges of Pennsylvania and to the fact that, with all her wealth, Pennsylvania had scarcely one third as many collegiate students as New England, he gave as the reason, her lack of free schools. He explained that in New England

²¹Woodburn, 44. (From a reprint of the speech, published at Lancaster, Pennsylvania in 1865.)

²²McCall, 37. "With good male teachers to be had at eighteen dollars a month and board themselves, and female at nine dollars" the average township of two hundred children, where two dollars and a quarter for each child was paid in tuition, would save half the expense, said Stevens.

²³Ibid., 41.

²⁴Woodburn, 45.

free schools plant the seed and the desire for knowledge in every mind "without regard to the wealth of the parent or the texture of the pupil's garments."²⁵ In closing his great speech, Stevens pleaded for political courage as the basis of true popularity, for a popularity that would outlive its possessor, and for a fame that comes from a courage devoted to the uplift of the poor and the welfare of mankind. He asked that when votes were to be taken on the question, all would cast their votes so that "education would be conferred on every son of Pennsylvania." The saving of Pennsylvania's free school system has been attributed to this speech of Thaddeus Stevens,²⁶ which is considered the greatest single effort of his legislative career.²⁷ His listeners were awed by his courage and sincerity, and each one realized that he had unselfishly risked his political future by this effort.²⁸

Before the speech, no one doubted that the repeal would be passed. On the preceding day when the resolution was before the Senate on third

²⁵Ibid., 46.

²⁶Ibid., 49.

²⁷Alexander Harris, in A Review of the Political Conflict in America (New York, 1876), 28, states that a contemporary historian who was politically opposed and unfriendly to Stevens said "His speech had a magical effect upon the sentiments of members...All without distinction, whether enemies or friends, acknowledged the overpowering superiority of it. Many who had determined to favor repeal changed their opinions and voted to sustain the Law of 1834. This speech ranks its author henceforth, as one of the first intellects of Pennsylvania."

²⁸Woodley, 119,120. On the latter page, Woodley says, in reference to Stevens' speech. "In 1866, James A. Garfield, then a Representative, paying tribute to its author, had a portion of it read into the Congressional record." Quoted from Burke A. Hinsdale, Ed., Works of James A. Garfield, 2 vols. (Boston, 1884) Vol. I, 134.

reading, it was approved without record vote and even without debate.²⁹ When Stevens sat down, the House immediately voted and the motion he had made was carried by a nearly two thirds vote. The Senate which had so shortly before voted decisively for repeal, returned to its chambers and immediately concurred, with a few unimportant amendments, in the House substitute bill.³⁰ Governor Wolfe was in favor of free schools. He was politically opposed to Stevens, but he immediately sent for him after his great triumph in the House, embraced him and thanked him for the great service he had "rendered to our common humanity."³¹ Dr. George Smith, who had been a member of the Legislature of 1834, wrote, nearly fifty years later, that the House was electrified and the school system was saved from defeat. The Harrisburg correspondent of the American Daily Advertiser of Philadelphia credited Stevens with preventing repeal of the law and declared that the speech was the ablest he had ever heard.³² Colonel John W. Forney, a Democrat and a political opponent of Stevens, wrote after Stevens' death in 1868, that he would never forget "the effect of the surpassing effort pronounced by the undaunted opponent of the Democratic party and of the great Masonic brotherhood." He declared that all the barriers of prejudice broke down before it; that it reached men's hearts like the voice of inspiration; and those who were almost ready to take Stevens' life a few weeks

²⁹Pennsylvania Senate Journal, April 10, 1835.

³⁰McCall, 41,42. (Colonel J. E. Forney in Washington Chronicle. also Pennsylvania School Journal, vol. XXXIX, 331.)

³¹Ibid., 39.

³²Woodburn, 50.

before, were converted into his admirers and friends.³³ The Philadelphia Press of August 12, 1868 quotes Colonel Forney as saying that Stevens created such a feeling among his fellow members that the Legislature rose above all selfish feelings and "responded to the instincts of a higher nature."³⁴ Stevens, himself, considered this effort the greatest utility of his life and he said afterward that he would feel amply rewarded for his endeavors in behalf of universal education if even one child, "educated by the Commonwealth, should drop a tear of gratitude" on his grave.³⁵ McCall comments that speeches have sometimes changed the action of a legislative body when its mind had apparently been made up, but a large part of the Legislature had been chosen with reference to the educational issue and for the purpose of repealing that part of the law which made schools free. Stevens' speech decisively turned them from their purpose. McCall expresses doubt if Stevens' achievement can be matched in the history of legislative assemblies.³⁶ Stevens was by nature a strong partisan but he never allowed politics nor the interest of his party to restrain him when he had an opportunity to render service to the cause of public and higher education. He considered higher education by the State to be the essence and foundation of an enduring democracy. He was a strong supporter of Pennsylvania College. When warned by a party friend that this support would injure his

³³Ibid.

³⁴Ibid., 51.

³⁵Callender, 32.

³⁶McCall, 44, 45.

party and cause him loss of support at home, he expressed entire willingness to withdraw from the active discussions of his party and even to leave the county and locate in some other place "where the advocates of anti-Masonry may be also the advocates of knowledge."³⁷ Stevens' second notable speech in the cause of education was made March 10, 1838 on a bill to establish a School of Arts in Philadelphia and to endow the colleges and academies of Pennsylvania.³⁸ At the close of his speech on that Saturday afternoon the vote was taken immediately and the bill passed with forty-six favoring it and thirty two against it. The members had voted while still under the influence of his speech. During the week end, the opposition, remembering his victory in 1835, worked valiantly to change sentiment. On Monday, a motion made to reconsider the vote resulted in the defeat of the bill by six votes.³⁹

In the Constitutional Convention of 1837, Stevens opposed restricting education to children and sought to include educational opportunity for every person who was conscious of being ignorant and who desired instruction. He said there is nothing in the Constitution which affects so deeply the good or evil government of the country as the subject of education; it is second to none either in magnitude or in its influence upon the social system. Moreover, he affirmed that he would give this matter his attention before any other that claimed consideration.⁴⁰

³⁷Woodburn, 51.

³⁸Ibid., 52; McCall, 50.

³⁹Woodley, 121.

⁴⁰Ibid., 122.

Democratic newspapers published the statement that Stevens was made Canal Commissioner solely for political purposes. There appears to be no evidence that the charge was true. While visiting various public works of the State, he noticed the frequent lack of schools available for children of the workmen's families. Stevens suggested to the contractors of all public works that they establish temporary schools for the use of laborer's children who were not within convenient distance of free schools. Realizing that the Board lacked legal authority to enforce such an arrangement, he recommended it to the judgement and liberality of the contractors. The request resulted in the establishment of several such schools.⁴¹

Thaddeus Stevens lived to see education in Pennsylvania within the reach of every child. His efforts for the establishment of free schools did not cease. Since the Federal Government does not interfere with educational matters within states, he had practically no opportunity to do anything officially for education while he was in Congress. But the Government does have jurisdiction in the District of Columbia and Stevens agitated constantly for a system of free schools there.⁴² On December 3, 1867, as a member of the House of Representatives, he introduced a bill to provide common schools in the District of Columbia.⁴³ The House showed no interest in the matter but Stevens, with his usual pertinacity, refused to cease his efforts.

⁴¹Gettysburg Sentinel, September 3, 1838. See Stevens' letters as President of the Board of Canal Commissioners, addressed to all contractors.

⁴²Woodley, 122.

⁴³Congressional Globe, December 3, 1867; Stevens' Papers, Vol. X, "A Bill to Establish a System of Common Schools for the District of Columbia," Library of Congress. See Appendix.

A month before his death in August 1868, he wrote a draft of a bill to provide free schools in the District.⁴⁴

According to James A. Woodburn, Stevens' service to Pennsylvania in the cause of the free schools affords sufficient reason for him to be rightly regarded as the greatest man, save Franklin, who ever lived in that State.⁴⁵ In 1867, Henry Ward Beecher said of him, in a sermon at Plymouth Church, Brooklyn:

"When Thaddeus Stevens shall die, his virtues will be better appreciated, and his name be more highly honored than now; for he is one of those who are very inconvenient when alive and very valuable when dead. It will be remembered in the dark hours of his country's history when other men were afraid to speak, he was not afraid to speak, and when other men were afraid to be unpopular, he was not afraid to be unpopular and did not count his life dear. But...if I were he, I would rather have written on my gravestone: Father of the Common Schools of Pennsylvania, than any other inscription that could be put there."⁴⁶

The influence that Stevens exerted upon education was paralleled by the impression he made upon banking. In 1829, when President Jackson expressed doubt of the constitutionality of the Bank of the United States, its owners and officials, knowing what a determined man he was, expected him to use all means at his command to end it at the expiration of its charter. Indeed they were apprehensive that he might succeed in discontinuing it before that time. When stock holders of the bank applied for renewal of the charter in 1832, the bill was passed by both Houses of Congress but the

⁴⁴McPherson Manuscript, Item undated c1868 . Library of Congress.

⁴⁵Woodburn, 54.

⁴⁶Ibid., 53.

President promptly vetoed it. Then Nicholas Biddle, President of the Bank, considered the idea of obtaining a state charter and decided to seek one in Pennsylvania. Representatives of the Bank worked secretly through members of the Whig Party and apparently reached an agreement that in exchange for support of Ritner for the governorship, a state grant for the Bank would be obtained if he won the election. After Ritner assumed office, there was much discussion concerning the Bank.⁴⁷ When the Legislature convened, Ner Middleworth, Speaker of the House and one of Stevens' Anti-Masonic friends, appointed committees sympathetic to the institution. This Committee on Banks wrote Biddle stating they had received information that the stock holders of the Bank would accept a charter from the State and asking him to inform them of the terms on which this could be accomplished. On January 7, Biddle replied, outlining the desires of the Bank and urging that no time be lost, in order that action could be taken at the next meeting of the stockholders.⁴⁸

On January 19, the Committee on Inland Navigation and Internal Improvements introduced, through Thaddeus Stevens, a bill to form the Bank. The title of the bill was singular. It was "An Act to repeal the state tax on real and personal property and to continue and extend the improvements of the State by railroads and canals and other purposes." Later, mention of the Bank was inserted. Stevens had brought his skill and ingenuity into

⁴⁷Henry R. Mueller, Whig Party in Pennsylvania (New York, 1922), 23.

⁴⁸Reginald C. McGrane, Correspondence of Nicholas Biddle, 1786-1844 (Boston, 1919), 246; Pennsylvania House Journal, 1836-37, Vol. 2, 745-757.

service in drawing up the bill. The state debt was very large at the time and a tax had been levied on several kinds of personal property to aid in its reduction. This bill proposed to repeal that tax, to obtain greater revenue from other sources, and to win the support of legislators by apportioning public improvements to their districts.⁴⁹ The bill provided that in exchange for a thirty year charter, which carried exemption from taxation on its dividends, the Bank was to pay a bonus of two million dollars to the State; to lend it up to six million dollars at low interest, and subscribe six hundred seventy five thousand dollars to various internal improvements. An additional provision, and one in which Stevens was intensely interested, was the requirement that the bank should pay a bonus of \$500,000 in 1837 and \$100,000 annually thereafter for twenty years, the same to be expended exclusively for the benefit of the State's system of public schools. There was also an allocation of \$200,000 to begin work on a railroad which would run west from Gettysburg.⁵⁰ There was some opposition but Stevens directed a few amendments which completely satisfied the Governor.⁵¹ Stevens rushed the bill through, it passed by a vote of fifty seven to thirty, and within a month became a law. By clever manipulation and with the help of a few of

⁴⁹Woodley, 125.

William B. Reed, Biddle's agent said, in reference to legislative support: "The temptation of a few miles of canal and railroad as a beginning on a favorite route is nearly irresistible."

⁵⁰Stevens had been agitating in behalf of this project for years. It was later abandoned because of the excessive cost of construction.

⁵¹One of the amendments was that the Legislature might recall the charter "whenever it was found injurious to the interests of the people."

his followers, Stevens secured the aid of eight Van Buren Senators. These Democrats had supported Muhlenberg for the governorship when Ritner, by a decisive plurality, had defeated him and had become the first and only Anti-Masonic Governor of Pennsylvania. Some of them were forced to repudiate their support of Andrew Jackson in order to vote for the bill, and two of them had openly expressed their opposition to the charter.⁵² When a House member of his party inquired if his purpose in introducing the bill was to incorporate the United States Bank, Stevens replied affirmatively. His colleague said that would never do. "Won't it?", Stevens asked quietly, adding "All you have to do is to take your seat and vote for it."⁵³ Thaddeus Stevens had crushed opposition, had shown his astuteness as a politician, had introduced a novel scheme of governmental financing, and had secured substantial financial aid for the newly established free public schools of Pennsylvania.

The Democrats raised a charge of bribery because they suspected a liaison between bank officials and the Whig-Anti-Masonic combination. A committee appointed to investigate the charge, found no evidence of bribery but reported:

"that a deliberate plan was concocted beyond the limits of Pennsylvania, to control the deliberations of the Legislature by the pressure of the people acting under an excitement created by incendiary falsehoods, sent forth upon responsible authority, charging the Bank with bribery and the Senate with interested treachery."

⁵²Mueller, 26.

⁵³American Sentinel, January 30 and February 15, 1836.

In granting the charter, Pennsylvania did only what other states attempted to do. It is claimed that one state demanded no return but, instead, offered a bonus.⁵⁴

Among the important matters to be considered by the Constitutional Convention which met late in the year, was the question of banks and banking. Stevens held that Andrew Jackson was wrong in his contention that a United States Bank was not authorized by the Federal Constitution. Stevens was widely known as a champion of banks. Naturally, the Democrats were opposed. He stunned them by proposing an amendment that "no branch of the State Government, nor all of them combined, shall have the power to establish any bank or banks within this Commonwealth." His opponents were amazed by this action. He had been the leader in securing the grant of a state charter to the United States Bank and was a personal friend of Nicholas Biddle, the renowned banker. Fearing that Stevens was using strategy in some contemplated move against them, the Democrats defeated the amendment. In fact, however, Stevens foresaw the evil consequences which would result from the establishment of numerous state banks and their paper. He believed that the Constitution did not grant to the states power to create banking corporations or to issue bills of credit. He admitted that the states had in the past exercised such power but contended that as long as such action was tolerated, the country would be liable to sudden fluctuations of the currency. Stevens declared that the banks were an incubus upon all the states and that the Union could not flourish until they had been curbed. Contrary to Jackson's

⁵⁴National Gazette, February 1, 1836, Cited in Woodley, 128.

opinion, Stevens was convinced that a national currency was what the country needed. The Pennsylvania Reporter, December 29, 1837, published his expressed opinion as follows:

"If we restore the exercise of power to the National Government, where it properly belongs and was intended by the framers of the Constitution to be, it could establish a banking system under which the currency would be rendered uniform and stable throughout the country, exchange facilitated, and funds of the government transmitted in a single week from Maine to Louisiana, without disturbing the regular business. Where on the face of the globe was there a currency equal to that which we had when the Federal Government exercised a power over it, through a National Bank?"

Stevens' thorough legal training, in addition to his store of practical knowledge and his extraordinary foresight, caused him to be far in advance of the general thought of the time. Thirty years were to elapse before his point of view was reached by the nation and, in the meantime, enormous financial losses and the horrors of the Civil War were to be suffered.⁵⁵

In December, Stevens made a long speech in the Convention on the subject of banking. After rebuking Jackson for destroying the United States Bank and citing that action as one of the causes of the rapidly enlarging panic, he pictured the financial confusion which existed in Pennsylvania before the passage of the United States Bank Bill. The Commonwealth had a debt of twenty-five million dollars, an additional million was due for internal improvements, but not even one dollar was provided for by law or was procurable from the treasury. The people were taxed nearly a half million annually, the State was compelled to borrow a million dollars in order to

⁵⁵Woodley, 129.

pay interest on the public debt and also three or four million more to insure the continuation of public works. Had this condition continued, in less than twenty years Pennsylvania would have been over balanced with a debt of one hundred million dollars, the repayment of which would have necessitated the mortgaging of every man's house and property in the entire State. The Governor and the Legislators were praised for the manner in which they met the crisis, and the President of the Bank was warmly commended for accepting the charter from the State at such high price and hard terms. The Commonwealth was greatly blessed in that the state tax was immediately repealed, interest on the public debt was paid, public improvements were continued, and "Pennsylvania for the first time since public works were undertaken, exhibited one of the noblest systems of internal improvement that ever distinguished any people on earth." All this, he concluded, was without taxation, borrowing, or permanent increase of obligation. Meanwhile, the Democrats groaned in secret, while they openly claimed that Thaddeus Stevens was the real Governor of the Commonwealth.⁵⁶

⁵⁶Pennsylvania Reporter, December 29, 1837.

CHAPTER III. ADVOCATE OF FREE SOIL--BUCKSHOT WAR

Attitude toward slavery---Jonathan Blanchard---
Conventions---Cause of War---Stevens' argument
and action---Results---Presidential campaigns---
Elected to Congress.

CHAPTER III

ADVOCATE OF FREE SOIL--BUCKSHOT WAR

The demand for abolition of Negro slavery dates back to the eighteenth century when the ideals of the Revolution appealed strongly to the imagination of men. In the original draft of the Declaration of Independence, Thomas Jefferson inserted a passage which rejected Negro slavery, but because of deference to the strong pro-slavery sentiment in South Carolina and Georgia, omitted the passage from the final draft.¹ In its final form, the framers of the Declaration of Independence proclaimed the inalienable right of all men to life, liberty and the pursuit of happiness. But the Constitution, produced by the efforts of Madison, Monroe and others in 1787, contains a specific curtailment of liberty and the pursuit of happiness to some men.² In the North, slavery was abolished through the process of gradual emancipation. In the South, its roots held fast. The difference in the attitudes and procedure of the two sections was almost wholly due to their economic situations. In the North, however, there was a strong sentiment against the institution itself and abolitionists were active.³ Conservative

¹Thomas Jefferson, Writings (New York, 1892-99), I, 170.

²Constitution of the United States, Article IV, Sec. 2, Par. 3

"No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered upon claim of the party to whom such service or labor may be due."

³This anti-slavery sentiment was expressed in debates in 1820 on the admission of Missouri as a state. Benjamin Lundy had been publishing his pamphlet, The Genius of Universal Emancipation, since 1812. William Lloyd Garrison published the first issue of the Liberator, in Boston on January 1, 1831.

Northerners were inclined to consider the movement as a menace to the Government, because some of the leaders lacked sympathy with certain provisions of the Constitution; many business men became alarmed because of the hostility it was arousing in the South and feared a consequent loss of trade. Such were conditions when Thaddeus Stevens was having his first personal experience with slavery.

When he first came to Pennsylvania, Stevens settled in Lancaster in Adams County. Both the Counties of York and Adams adjoined the slaveholding state of Maryland to the south. Thus Stevens found himself practically in the midst of a conflict. He was by nature extremely sensitive to any form of inequality, and his hatred of slavery increased as he saw the attempts of slaves to escape and the cruelties so frequently practiced by the slave catchers.⁴ Woodburn asserts that Stevens' anti-slavery spirit came to him from his antecedents, his training and his childhood convictions; it was "the innate bent of his mind....He was never converted to the anti-slavery cause...it seemed the obviously right thing to oppose slavery by every means in his power."⁵ He used both his legal talent and his money in efforts to help slaves gain their freedom.⁶ He knew that, under the

⁴Pennsylvania House Journal, 1835-36, Index 99.

⁵Woodburn, 55.

⁶Ibid., 56; Hensel, 7,8 (Congressional Memorial Reminiscent Addresses on Stevens). Goolove S. Orth of Indiana, who had been educated at Gettysburg, told of Stevens' efforts to aid slaves in distress. At a hotel in Maryland, a woman in tears begged him to help in preventing the sale of her husband and the subsequent separation. Stevens responded by paying three hundred dollars for the slave. He then set him free and returned home to Gettysburg, without some law books which he needed and had intended to buy.

Constitution, non-slave holding states could not interfere with the institutions of slave holding states, and was careful not to attack slavery by means outside the Constitution and the law.⁷ As a member of the Pennsylvania Legislature and Chairman of the Judiciary Committee, he introduced in the session of 1836-37 a resolution to the effect that "slaveholding states alone have the right to regulate and control domestic slavery within their limits, Congress possesses the Constitutional power, and it is expedient to abolish slavery and the slave trade within the District of Columbia."⁸ In reference to a demand by the slave states that legislation be immediately enacted to prohibit the publishing and circulating of publications which had a tendency to operate on Pennsylvania's population, the committee denied the right "of Virginia or any other State to claim from us any legislation" of the character. Every citizen had a right "freely to think and publish his thoughts on any subject of national or state policy" without confining "his remarks to such subjects as affect only the state in which

⁷Woodley, 65. But he seized every opportunity to take the case of an escaping slave, and although the existing laws gave no jurisdiction over the fugitive to the Pennsylvania Courts, Stevens usually managed by some method to obtain a hearing for him. If all other methods failed "it was his custom to use his not abundant means to purchase the freedom of his client. His conduct was not popular, but he persisted in it."

Woodburn, 57. "It was a common rumor concerning Stevens in his early struggling years as a young lawyer and while he was active in Anti-Masonic politics, that no fugitive slave who reached a court where he practiced was ever taken back into bondage. In such a cause, he despised a fee and entertained no hope of reward."

⁸Pennsylvania House Journal, 1835-36; Harrisburg Chronicle, June 2, 1836. The Judiciary Committee, in a report filed May 30, 1836, could not "concede that individual free men are, or can be prohibited from discussing the question of slavery in all its bearings upon the morality, religion and happiness of a people and the expediency and duty of abolishing it by constitutional means."

he lives." But the Legislature was conservative and the House voted an indefinite postponement of the matter.⁹ This report was Stevens' first official expression against slavery.¹⁰

Abolition leaders¹¹ were of the opinion that some missionary work was needed on the southern border of Pennsylvania and sent the Rev. Jonathan Blanchard of Cincinnati there in March 1837. He was to lead public discussion on the slavery question. Rev. Blanchard, a Puritan as well as an abolitionist, understood how the pro-slavery character of many churches caused Stevens apparently to look upon churches with contempt. Realizing that Stevens despised bigotry and hypocrisy, and also knowing his strong anti-slavery convictions, Blanchard said to him, while in Harrisburg, "Mr. Stevens, if you can turn your Anti-Masons into abolitionists, you will have a party whose politics will not bleach out. The slave holders will not 'possum' like the Free Masons, but will die game." Stevens insisted on Blanchard accepting ninety dollars to help defray his expenses on the tour and remarked: "Take that and go down into Adams County and lecture and if they Morganize¹² you, we'll make a party out of it."¹³ The mere announcement of

⁹Ibid.; ibid.

¹⁰Woodley, 68.

¹¹Prominent among abolitionists were Charles Sumner, Wendell Phillips, Theodore Parker, Gerrit Smith, James Birney, William Lloyd Garrison, Benjamin Lundy, Lucretia Mott, Harriet Beecher Stowe, and Angelina and Sarah Grimke. The Grimke sisters were former Southerners who had become Quakers.

¹²Referring to the fate of William Morgan at the hands of Free Masons.

¹³Woodburn, 57, 58; Woodley, 68 (Christian Cynosure, April 5, 1883).

Blanchard's coming created intense excitement in the community but he came and spoke. Two prominent citizens of Gettysburg answered him; the meeting immediately passed resolutions forbidding all agitation on the subject; and a mob, encouraged by Judge McLean, an elder in an orthodox church, broke up the meeting. Stevens was attending the Legislature in Harrisburg, but on hearing of the occurrence, hurried to Gettysburg and called a meeting in the court house, which was according to Blanchard, "crowded to a jam." Stevens was enraged, mainly because he felt that Blanchard had been denied the right of free speech. He arranged that some one should move reconsideration of the previous resolutions and then began to speak.¹⁴ Carefully avoiding mention of slavery, he vigorously defended the right of an American citizen to speak. Judge McLean had interrupted Blanchard's address to loudly assert there were no slaves in Gettysburg and to ask why the minister had come there to disturb the borough with a discussion of slavery. Seeing McLean in the audience, Stevens asked him if human liberty had become a local question which must be discussed only in particular localities. As Stevens continued to sharply upbraid him, the Judge fled from the room.¹⁵ Though the resolutions of the previous meeting had been unanimously adopted, no one now defended them, and another set, which affirmed the right of free discussion and invited Blanchard to continue his efforts, were unanimously passed.¹⁶

¹⁴Nearly fifty years later, Blanchard said that he had never listened to such speaking from human lips. "Every sentence was argument, eloquence, and invective, combined and condensed."

¹⁵Woodburn, 58; Woodley, 69.

¹⁶Christian Cynosure, April 5, 1883. Pro-Slavery meetings had been frequently held in Gettysburg prior to Blanchard's arrival there. After Stevens' speech there were no more.

In the autumn of 1836, a convention was ordered by popular vote, to consider amendments to the Constitution of the State.¹⁷ It was felt that new industrial and agricultural conditions demanded some changes in the document which had been drawn up under the guidance of Benjamin Franklin in 1776, and amended in 1790.¹⁸ Stevens was chosen as a delegate from Adams County.¹⁹ The delegates assembled in the Capitol at Harrisburg early in May 1837. The Convention was a partisan body and the majority were Democrats. Stevens' political opponents sought to destroy his influence before the Convention began. Their idea was to identify him with the abolitionists and then to wield the intense anti-abolitionist feeling of the people against him.²⁰ Stevens' Anti-Masonic-Whig combination had controlled the State Government since 1835. Before that time, its leaders had advocated Constitutional changes designed to limit executive appointments, but their own accession to office naturally tempered their demands. On the other hand, the Democrats, who, while in power in 1835, were opposed to

¹⁷McCall, 47; Woodburn 59.

¹⁸Woodley, 73.

¹⁹Ibid., 73. Because of his legal ability and his great influence with Governor Ritner, Stevens was a power in the State.

²⁰Christian Cynosure, April 5, 1883; Keystone, May 3, 1837; American Sentinel, May 4, 1837; Cited by Woodburn 60; Woodley 70; McCall 48. Led by one McGriffin, these Democratic enemies of Stevens organized a Body of Representatives who called themselves "Friends of the Integrity of the Union", and elected over seven hundred delegates to a convention which would meet the day before the opening of the Constitutional Convention. By some adroit measures, Stevens got himself elected as one of the delegates and when their convention opened, made a speech which turned the whole movement into a farce, and convinced the members of his integrity and fair-mindedness. The meeting broke up "in a roar of laughter". It had been equally impossible either to answer or to suppress Stevens.

limitation of executive appointments, now considered it highly desirable. However, a minority group of Democrats led by George M. Dallas, a candidate for delegate to the Convention remained conservative.²¹ Despite some dissension, the Democrats succeeded in carrying the Lower House of the Legislature in the regular elections of 1836. The following month, however, they were barely able to elect a majority of delegates to the Convention; while Stevens, who had been defeated for the Legislature by fourteen votes, was elected to the Convention by a majority of two hundred votes the following month. The Democrats had elected sixty-seven delegates and the opposing forces only sixty-six, but the figures were reversed when the delegates assembled, because one of the Democratic delegates had died and his place had been filled by a Whig. Thus, Stevens and his followers were in control. Stevens' friend and satellite, John Sergeant, was made President of the Convention and Shoch, who was also a friend and dependable follower, became secretary.²²

Stevens had announced in his newspaper his opinion that party bickerings should be laid aside in such a body as the Convention. He did not favor extreme changes in the Constitution but wished certain moderate ones.

²¹Mueller, 33. Dallas expressed fear that the Convention might restore the institution of slavery, withdraw the charter of cities, prohibit professions or trade, permanently suspend the writ of Habeas corpus, and "even take away trial by jury."

²²The Pennsylvania Reporter published a lengthy article concerning the tactics by which Stevens, "the Drill Sergeant", organized the Assembly. Woodley, 74. "The efficient method that the Adams County leader used was something between the working of a steam roller and an instrument of precision. Before his opponents realized what was going on, and with the advantage of only a single vote, he swept into control."

Tenaciously active in his opposition to Masonry he desired an amendment which would prohibit secret societies in the Commonwealth. Although the Governor was his close friend, Stevens was in favor of limiting his appointive power, and recommended that the Executive term be restricted to three years in six, instead of nine in any twelve, as was permitted at that time. Because in the larger cities where the legislators voted in large groups, block legislation had resulted, he sought to have the representation reduced and limited. The proposal which he opposed most vehemently and which finally caused him to become disgusted with the Convention procedure was one concerning suffrage restriction.²³

At the opening of the Convention, it appeared that Stevens, because of personal influence and the support of the Governor, would remain in control. But the influence and power of opposing delegates was underestimated. Many of these men who were Masons remembered his fight against the Order three years previously at Harrisburg and were convinced that his actions were vicious and the result of political ambition.²⁴

Moreover, Stevens' failure to force them to testify before the Legislature during the preceding winter encouraged them, and the ridicule and stinging satire which he directed against the Democrats in the McGiffin Convention, held immediately before, had not been forgotten. Some members

²³Woodburn, 64; Woodley, 75.

²⁴This conviction is clearly shown in a speech made later in the Convention by Meredith, one of Stevens Whig Supporters.

considered his stand for abolition as a menace to harmony between the states; many were antagonistic solely because of his lack of tact, his brusqueness, and the lash of his speech. These adversaries chose every opportunity to oppose and embarrass Stevens. But despite their efforts to checkmate, he easily won important chairmanships on several important committees, namely, on the Governor, public improvements, loans and debts of the State, and secret societies. Had he exercised tact and some political strategy, Stevens could have kept his Anti-Masonic-Whig combination together and could have gained the points he desired, but he failed to make the effort and the Whig supporters were lost within a month. Because of his desire to limit cities,²⁵ regardless of size, to six Representatives in the Lower House, Meredith, the Whig leader, attacked him fiercely in a speech before the Convention. Though Stevens insisted that his argument was based entirely upon a matter of principle and in the interest of a fair balance of representation, Meredith began his attack as soon as the address was concluded. He began by declaring that "no man was ever more over-rated than Mr. Stevens, and after speaking of Stevens' fight against

²⁵Stevens quoted Jefferson's words that "great cities were sores upon the body politic." He also disclaimed any charge against individuals or communities, but expressed the belief that a continuation of the present tendency would, in a few years, result in three or four counties assuming control of the destinies of the whole Commonwealth.

Proceedings and Debates of American Anti-Slavery Convention at Philadelphia (Philadelphia, 1833), Vol. 2, 40. Cited by Woodley, 76.

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Masonry, conducted a long personal tirade, in the course of which he referred to Stevens as having venom without fangs. Stevens was shocked at the blow but quietly remarked that he possessed "a sufficiently strong native sense of decency not to answer arguments by low, gross abuse." He added that he had sustained propositions which he considered beneficial to the entire State, and intended to discharge his duty despite ungentlemanly personal abuse.²⁶ Realizing the strength of his opposers, Stevens withdrew the proposal to limit representation in the large cities. He had been defeated in the main issue but succeeded in having his Amendment adopted to have the Senate sit with open doors on executive nominations.²⁷

When the Convention met, the Constitution of the State extended the right of suffrage to all free men who were twenty-one years of age. The Democrats urged modification of the law by insertion of the word white. The Whigs and Anti-Masons opposed such action. On the first test, the Democrats were defeated by a vote of forty nine to sixty-one. By the middle of January, the Democrats had gained such strength in the Convention that they had the limiting word inserted by a vote of seventy-seven to forty five.²⁸ Stevens felt that the restriction constituted a mean and unjustifiable discrimination. It violated his innate instinct of democratic equality and after it was done, he lost interest in the Convention and,

²⁶Ibid., Vol. 2, 110. Cited by Woodley, 78.

²⁷Woodley, 79.

²⁸After the breach with Stevens, Meredith was a leader in the battle to limit the suffrage.

later, refused to sign his name to the Constitution.²⁹ In the Convention, an article had been submitted which was designed to prevent free Negroes and slaves from entering Pennsylvania. Stevens quickly detected the element of injustice contained and promptly made a motion to postpone consideration. The motion was lost at first³⁰ by a vote of fifty two to fifty-nine, but after much effort, it was won later. Stevens presented a petition asking that trial by jury should be extended to all, but it received little support and the Convention failed to recommend a change in the Constitution. Undiscouraged, he made another proposal, that no citizen should be compelled to bear arms in time of peace, but that all should do so in time of war, and that conscientious objectors should pay an assessment to the government or be fined. No notice was taken of the proposal.³⁰ The Convention adjourned and Stevens returned home to re-assemble his constituents. When the delegates reconvened, he had been returned to the Legislature.³¹

When Ritner was defeated by David Porter for Governor of Pennsylvania in 1838, Thaddeus Stevens made what some of his friendly critics consider to be the greatest mistake of his early political life. Believing that they had been beaten by fraud, Stevens and his party managers decided to

²⁹ Woodburn, 64.

³⁰ Keystone, July 19, 1837. Cited by Woodley, 81, 82.

³¹ Ibid., by Woodley, 83. August 15, 1838, quoting Bedford Gazette.

treat the election as though it had not occurred.³² Stevens, who had been appointed by Ritner as President of the Board of Canal Commissioners in May 1838, was accused by the Democratic newspapers of having used his position to garner votes for Ritner,³³ an accusation emphatically denied by the Whig and Anti-Masonic press.³⁴ Betting on the election had aroused propositions hitherto unknown.³⁵ Returns from the election were slow in coming in and were violently disputed. The Senate was conceded to be Anti-Masonic but a struggle ensued for control of the Lower House. Neither faction could count a majority without its contingent from Philadelphia County, where the contest was in progress. The outcome of the election disputes brought on the Buckshot War, which caused no great revolution in politics, but was instrumental in causing Stevens to forsake public life for a number of years.³⁶

The election returns from the Northern Liberties and Spring Gardens Districts of Philadelphia County were disputed. Charles J. Ingersol, the

³²Woodburn, 27.

³³Pennsylvania Reporter, June 1, 1838.

³⁴Woodley, 85.

³⁵Pennsylvania Telegraph, September 26, 1838. Much of the wagering was done with money, but many who lacked it, bet their horses, farms, and even their canal boats.

Pennsylvania Reporter, September 26, 1838. Ten thousand dollar stakes were not unusual.

³⁶Woodburn, 27.

Democratic candidate for Congress from that district, on learning of the returns from these precincts,³⁷ claimed that gross frauds had been committed. He demanded that the Northern Liberties vote be thrown out, on the charge that an election clerk had lost the tally sheets. This was his only charge of specific violation, but under a general charge of fraud, and because the voting for all the precincts had been done in the same building, he demanded that the whole vote of approximately fifty-three hundred be cast out. The Board of Returns numbered seventeen members, one representing each district of Philadelphia County. A strict party vote of ten to seven granted Ingersol's demand and the entire vote of Northern Liberties County was disregarded. The seven Whig and Whig-Anti-Masonic members withdrew³⁸ and, in another room in the State House, formulated their returns for the six districts which comprised the Northern Liberties and one Spring Garden district. Thomas Burrows, the Whig Secretary of State, who was also Chairman of the Whig Campaign Committee, recognized the Whig returns which he had received first, in proper legal form. The Democratic returns were received later and were not so regular.³⁹ In a Whig party address, Burrows declared that the Democratic majority

³⁷The result indicated his defeat.

³⁸Woodley, 87.

The Democratic majority continued its meeting and formed its returns on the basis of ten of the seventeen districts.

³⁹Ibid., 87, 88. The legal requirement was that one copy of the returns should be deposited with the Prothonotary of the County and that another copy should be delivered to the Sheriff, who would return it to the Secretary of State. The minority group met the requirements; the majority group forwarded its second copy to the Secretary of State "by a passenger on a steam train."

the State had been obtained by fraud; that the Whigs should immediately begin an investigation and should "proceed as though they had not been defeated in the recent election."⁴⁰ Stevens agreed that this was the proper course of action.

By the time the Legislature convened on Tuesday, December 4, there was much party bitterness throughout the State. On the one hand, the Whigs announced that "their members from the County of Philadelphia will have their seats peaceably, if possible, but forcibly otherwise";⁴¹ on the other hand, the Democrats declared that if their members were "not seated on the first day" of the Legislature, "twenty thousand bayonets would bristle at Harrisburg."⁴² When the hour of convening arrived, the clerk called the House to order as best he could and began reading the official returns which Burrows had handed him. Charles Bray, a Democrat claimed that they were false, handed the clerk what he said was a "certified copy of the true returns", and asked that they be read as such. Though a Mr. Smith, a Philadelphia member objected to the House voting

⁴⁰Pennsylvania Senate Journal, 1838-9, 975; Woodburn, 28.

In a footnote, Woodburn explains, "This is printed in Niles' Register under the caption 'address of the Democratic State Committee to the friends of Joseph Ritner.' It appears that the name Democratic was too popular to allow its being monopolized by the Van Buren Democrats."

⁴¹Harrisburg Chronicle, October 31, 1838.

⁴²Pennsylvania Reporter, November 3, 1838.

Pennsylvania Senate Journal, 993. Testimony of John Ash. Personal violence was threatened against Stevens, Burrows, and Penrose, President of the Senate. Some declared "they would be satisfied with nothing less than Stevens' heart's blood."

on any question until it was organized, a motion was put that both sets of returns be read. The clerk ruled that the motion was passed and proceeded to read them. When he had finished reading all the names, including those for the sixteen contested seats, Stevens took the floor. He proposed that the House organize and elect a speaker and argued that the only way to organize the House was to swear in the members who had been designated in the legal returns.⁴³ There must be prima facie decision as to the contested seats. It was absurd to say that this decision should be postponed until all the undisputed returns were read and to allow only those members whose election was undisputed to decide as to the disputed ones, because until the House was organized and a Speaker elected, it was not competent to entertain any question. The Constitution and the laws require that there must be "one hundred members in the organization". If there could be no initial decision as to disputed seats and such decisions had to be postponed until the House was organized, officers elected, and committees appointed, it would be very easy to contest any number or all of the seats, and no one could be left to act as umpires and judges.

"There must in every instance be sitting members upon the returns furnished by the Secretary of the Commonwealth; and the only way by which they can be unseated is by a petition presented by the claiming members complaining of a false return or undue election of the returned members-- and that petition referred to a committee selected by lot

⁴³Woodley, 92; Woodburn, 29.

If those returns were false, the law had provided a remedy in accordance with the Constitution. But that remedy could not be applied until the members returned to the Secretary, and by him to the House, had been duly sworn.

according to the Act of 1791, whose report is final and
conclusive."⁴⁴

Stevens then suggested that if anyone thought any other method of procedure legal, he could name anyone he pleased, and if two speakers should happen to be chosen, he thought the House would courteously find room for both on the speaker's platform. He at once nominated Thomas S. Cunningham for speaker, and his enemy McElwee, Democrat from Belford County, nominated Hopkins. Both Cunningham and Hopkins were sworn in as speakers. The result was two Houses, two speakers and two sets of committees to inform the Governor that the House was organized.⁴⁵ No business could be transacted and the two Houses adjourned to meet the next day. The question was which House would the Senate recognize. When it met that afternoon there arose such great disturbances from the galleries and so many dire threats from Democrats in all parts of the Senate Chamber, that Speaker Penrose retired from the chair and stood with Stevens at one side of the room. When friends repeatedly informed them that their lives were being threatened, Stevens, with Penrose and Burrows "withdrew to a side room and escaped through an

⁴⁴Pennsylvania Telegraph, January 17, 1839.

Woodley, 92, comments that Stevens' "position was impregnable to attack, but had it been accepted, there is little doubt that the Whigs would have been permanently seated and the Democrats excluded."

Woodburn, 29, says, "Such was Stevens' argument. It is difficult to see a loop-hole in it from the standpoint of law and American parliamentary procedure."

⁴⁵McCall, 51; Woodburn, 31; Woodley, 93. McCall states that the two factions were known as the Hopkins House and the Stevens Rump.

from window".⁴⁶ No semblance of order could be maintained in the Senate Chamber, so it was adjourned.

The Governor called upon the civil authorities to restore order,⁴⁷ and also requested President Van Buren to send a company of the United States regulars, stationed at Carlisle. The President refused to do so.⁴⁸ The Democrats inaugurated their Governor; some of the Whig representatives took seats in the Democratic House, and others abandoned the contest and went home. Thaddeus Stevens refused to submit and remained absent from the House during the entire session.⁴⁹ As a result of his absence, the Democratic majority postponed admitting him to his seat and appointed a committee to inquire if he had not forfeited his right to a seat. Stevens declined to appear before the committee but wrote them a letter in which he defended his right to a seat and vigorously attacked the committee.⁵⁰

⁴⁶Pennsylvania Senate Journal, 824, 875, 876.

"They had not gone a moment too soon for while they were still hiding in the shadow of the bushes, the mob rushed around the corner." An unbiased observer said that although Stevens realized from the first day of the Buckshot War that his life was in real danger, he acted with perfect calmness and deliberation during the whole time.

⁴⁷McCall, 52; Woodburn, 35; McCarthy, 500. In accordance with the Governor's orders, General Patterson, who commanded a part of the state militia, ordered out a part of his division. They were provided with thirteen rounds of buckshot cartridges and seven pounds of ball cartridges. This gave rise to the name Buckshot War.

⁴⁸Woodburn, 36.

⁴⁹McCall, 53; Woodburn, 37.

⁵⁰Niles Register, Vol. 56, 229. Cited by Woodburn, 37.

his seat was declared vacant. He at once issued an address to his constituents in Adams County, in which he called their attention to this violation of the Constitution and to the expense imposed upon them by a new election.⁵¹ Both Stevens' inclination and interest prompted him to retire from public life, but for fear of being thought either cowardly or despondent, he decided not to do so. Without waiting for his friends to accord him a party nomination, he presented himself as a candidate, was re-elected, and was permitted to take his seat, but as the Legislature was soon adjourned, he had little opportunity "to get even with opponents on the floor of the House."⁵²

In the so-called Buckshot War, no one was killed, and not one shot was fired. McCall comments that the war was made "noisy and ridiculous by proclamations, by calls upon the national government for assistance and by acrimonious and insulting communications from one party to the other."⁵³

Stevens actively promoted the nomination and election of Harrison to the Presidency in 1840. He was opposed to Clay, and it is claimed that Clay's open opposition to Stevens' appointment to Harrison's cabinet led to his disappointment concerning the position of post-master-general, which

⁵¹Woodburn, 37.

⁵²Ibid., 38.

⁵³McCall, 53.

had been promised him.⁵⁴ Re-elected to the Legislature in 1841, Stevens spoke vigorously in favor of the right of petition, in favor of limiting the public debt, and in opposition to those who attacked banking institutions and systems of banking. In 1842, because of the entangled condition of his finances and because he did not stand in favor with the dominant and more conservative faction of the Whig party in Lancaster County to which he had moved, Stevens retired from politics for eight years.⁵⁵ During the period of his retirement, Salmon P. Chase endeavored to interest Stevens in the Liberty Party and so did his friend Jonathan Blanchard.⁵⁶ The Liberty Party sought only to abolish slavery wherever it existed within reach of the constitutional action of Congress, to restrict it within the slave states, and to "deliver the government from the control of slave power."⁵⁷ Blanchard asked Stevens to help Chase to substitute the name of Seward or of John Quincy Adams for that of Birney as the Anti-Slavery

⁵⁴Alexander Harris, Biographical History of Lancaster County, Pennsylvania. (Lancaster, 1872), 582; Harris, Political Conflict, 91; McCall, 57.

⁵⁵Woodburn, 66.

⁵⁶Stevens' Papers, Letter of Jonathan Blanchard, April 9, 1842. "I meddle but little with politics, seeking only to vote as near right as I can. But I remember you with gratitude. I have an almost superstitious belief in your talents and I do not think you understand their extent."

⁵⁷Woodburn, 68, 70. Chase strongly advocated free speech for individuals and the press. He wrote to Stevens. "Can you not bring the old Anti-Masonic party of Pennsylvania on to the Liberty platform? Could Seward of New York, or Judge McLean of Ohio be obtained to lead or shall we retain Birney?" The platform of the Liberty party neither expressed any resolute resistance to slavery as an institution nor attempted any forceful vindication of free labor.

candidate for President. On May 24, 1842, Stevens replied to Blanchard's letter and expressed accord with the objects of the Liberty Party but made no promises.⁵⁸ In 1844, he supported Clay as the Whig candidate for President, though it was generally known that Clay's defeat caused Stevens no sadness, and he was even accused of secretly advising anti-slavery men to either abstain from voting or to vote for Birney. His profound dislike for Clay was based, to great extent, on Clay's views concerning the slavery question and his strong Masonic attachments.⁵⁹ After the election of 1844, Stevens devoted his attention, as far as he permitted himself to be in politics, to leading his faction of the Whig party into dominance and control in Lancaster County. In this effort he succeeded to such extent that he won in the election of 1848 as the Whig candidate for Congress.⁶⁰

⁵⁸Ibid., 69.

⁵⁹Ibid., 70.

⁶⁰Lancaster Intelligencer, August 29, 1848.

CHAPTER IV. STEVENS' ACTIVITIES, 1849-1860

Anti-Slavery efforts---The Tariff---
The Presidency---In Congress---
Election of 1860.

CHAPTER IV

STEVENS' ACTIVITIES, 1849-1860

In 1848, when Thaddeus Stevens was elected to Congress, his majority over his Democratic opponent exceeded four thousand.¹ The Thirty-first Congress convened in December 1849 when agitation on the slavery question had reached a stage that seriously threatened continuance of the Union. Despite anti-slavery opposition, Texas had been annexed. Then came the Mexican War and at its conclusion the United States received much new territory. California was acquired by right of conquest, and in the treaty of Guadalupe Hidalgo, Mexico was not only acknowledged the southwestern boundary claimed by Texas but ceded the areas which included New Mexico, Arizona, Nevada, Utah, and parts of Colorado and Wyoming. The immediate and most pressing question concerning these newly acquired areas was: Should slavery be permitted or should it be excluded by Congress.² This political issue caused North and South to be quickly arrayed against each other in a struggle for ascendancy.

Shortly after the Mexican War began, anticipation that territory would be ceded, resulted in an appropriation bill which granted President Polk two million dollars to provide for negotiation and purchase. An amendment moved in the House of Representatives by David Wilmot, an Anti-slavery Democrat from Pennsylvania, was to the effect that slavery should never exist in any

¹Woodburn, 73.

²Ibid., 74; Arthur Meir Schlesinger, Political and Social History of the United States, 1829-1925 (New York, 1929), 116-118.

part of the Mexican territory that might be obtained.³ Though the Wilmot Proviso was not passed with the appropriation bill, it remained before the country as a bone of contention between the anti-slavery North and the pro-slavery South. Southerners held the opinion that exclusion of slavery from the territory acquired by reason of the Mexican War was sufficient reason for the Union to be dissolved.⁴ The majority of Northern Whigs and Democrats openly and strongly opposed slavery, but fear of losing Southern supporters caused both of these main parties to omit insertion of the Wilmot Proviso from their platforms in 1848. The men in both parties who most radically opposed the institution, united in the Free Soil party which stood uncompromisingly against slavery and had as its primary aim the exclusion of slavery from the territories. In 1848, it polled 292,000 votes for Martin Van Buren, former Democratic President.⁵

When Congress met in 1849, California asked to be admitted to the Union as a free state. Since such admission would break the balance of power in the Senate, the South protested against it and the North insisted upon

³Schlesinger, 111, 112. The President requested the appropriation on August 8, 1846 but it was not voted, without restriction, by the House until March 1847.

⁴Woodburn, 75. The Virginia Legislature termed the Wilmot Proviso an outrage and asserted that a denial to the South of equal rights in the territories would be equivalent to a dissolution of the Union. Such prominent Southerners as Calhoun and Rhett of South Carolina, Berrien, Toombs, and Stephens of Georgia made similar assertions.

⁵Ibid., 76. The Free Soil Party declared for "free soil for a free people" and proclaimed that with "free men, free labor, free press, and free soil on its banners, its efforts would eventually be successful."

it. At this time, too, abolitionists in the North were persistently active with petitions and otherwise in an attempt to abolish slavery in the District of Columbia. Anti-slavery men desired the abolishment or the prevention of slavery wherever national authority extended or could be held responsible. Southerners contended that abolition of slavery in the District of Columbia would be a breach of faith to Maryland and Virginia who had ceded that area to the Government as slave territory.⁶ Another cause of extreme unrest and dissatisfaction was the South's insistence upon a more stringent fugitive slave law to facilitate the return of their slaves, which right of return was recognized in the Constitution.⁷ Personal Liberty Bills in some states, and the decision of the Supreme Court in the case of Prigg versus Pennsylvania, which was that state officers and agencies could not be required to assist in enforcing the Fugitive Slave Act of 1793, contributed to the difficulty of recovering runaway slaves. Northern anti-slavery men considered it their duty to protect free Negroes from being kidnapped and carried into slavery,⁸ and slave catchers were, as a rule,

⁶Globe, December 13, 1849. Meade of Virginia said that if slavery was to be abolished in the District of Columbia, he trusted that he had seen the last speaker of the House of Representatives.

⁷The Constitution of the United States, Article IV, Sec. 2 Par. 3.

⁸Woodburn, 78. It is asserted that this was frequently done under the guise of recovering runaways. Schlesinger, 120. In the case of Prigg vs Pennsylvania, though the Supreme Court had decided that state officers and agencies could not be forced to assist in returning fugitives, it held that the owner had a right to regain his slave without obstruction from state laws.

considered hateful in the North. Though many politicians and others in the North were either indifferent concerning slaves or willing that they should be returned, thousands of Anti-slavists were determined that fugitives should not be returned, regardless of requirements of the law. Northern men interested in crippling slavery were urging that inter-state slave trade should be prohibited. It had become evident that unless a conciliating and compromising spirit could be substituted for the harshly antagonistic one which prevailed between North and South, the Union was indeed endangered.⁹ At such a time, Thaddeus Stevens found opportunity to present the views of the anti-slavery North in his characteristically unequivocal manner.¹⁰

On December 22, 1849, after three weeks of argument, Howell Cobb of Georgia was elected Speaker of the House. Some one had proposed Stevens' name and, though a newcomer, he received twenty-four votes. Among those who voted for him, were several Free-Soilers, including Joshua Giddings and Joseph Root of Ohio, and Horace Mann of Massachusetts. Though Stevens

⁹Globe, February 14, 1850. The Reverend Mr. Hilliard, who represented an Alabama district boldly asserted, "If you mean to deny us participation in the territories, then the time is come when the Southern States must decide a grave question, either to submit to gradual but perfectly certain change in their organic structure or resist the threatened encroachment on their rights at every hazard." The Globe, March 6, 1850, contains an account of the heated argument between Hilliard and Stanley, a Whig-Unionist of North Carolina, who charged him with arousing a spirit of revolution and dissention.

¹⁰Globe., December 14, 1849. "But I would to God", said Congressman Joseph M. Root from Ohio, "that Northern men representing Northern constituencies would stand up with the same manliness in defense of their rights as Southern representatives do and always have done since I have been a member of this House. Let Northern men meet this question boldly and not try to dodge."

had not yet left the Whig party to become a Free-Soiler, Giddings said that the Free-Soilers were ready to accept him on the strength of his known opinions and record on the subject of slavery. Stevens soon gave evidence of his aggressiveness and tenacity. Threats of disunion made by Southerners did not alarm him but he was much concerned that these threats caused many Northerners to outwardly withdraw their opposition to slavery. On February 14, 1850, Root's resolution prohibiting slavery, in the newly acquired territories was laid on the table by a vote of one hundred and five to seventy-five. Thirty Northern members had failed to support the principle of the Wilmot Proviso¹¹ and Congress failed to uphold the policy of excluding slavery from the territories. Thaddeus Stevens regarded this as unworthy capitulation to Southern dictation.¹²

On February 29, when the House was in the committee of the whole on the state of the Union, Stevens obtained the floor and spoke for an hour on the slavery question. His attitude, as bold and defiant as that usually assumed by the fiery Toombs of Georgia, utterly astounded the Southerners, who had grown accustomed to hearing Northerners make pleas for peace and placating speeches about the sacrifices of the sisterhood of states in the Revolution. As an apology for consuming the time of the House in a general discussion, Stevens said he saw no prospect of practical legislation

¹¹Woodburn, 91.

These members comprised eighteen Democrats and fourteen Whigs.

¹²Ibid., 92.

since the time was being used for speeches made, mostly by Southerners, with an obvious intent to intimidate Congress and to consume time so that no legislation obnoxious to the South would be matured. In his address which opened the debate on slavery, Mr. Clingman of North Carolina had bluntly stated that unless Congress settled the slavery question in accordance with Southern demands, there should be no legislation, not even the passage of appropriation bills necessary to sustain the government.¹³ Stevens denounced this purpose as a palpable conspiracy on the part of Southern members to stop the supplies and disorganize and dissolve the Government, if anti-slavery legislation were attempted. He declared: "We can say anything, within these walls or beyond them with impunity, unless it be to agitate in favor of human liberty--that is aggression!" Stevens announced his unchangeable opposition to slavery in every form, and everywhere, but avowed his intention to abide by the compromises of the Constitution, some of which he thoroughly disliked. He regretted that Congress had no power over slavery in the states, but wherever that institution was within Congressional control, he was resolved to use his utmost efforts for its certain and final extinction, regardless of any and all threats.

Stevens denounced slavery from an economic point of view, asserted that besides degrading the laborers, it tended to exhaust and waste the land,

¹³Globe, January 22, 1850.

and charged that sloth, negligence, and improvidence were its consequences. He said that slavery retarded education.¹⁴ He admitted that the South had furnished most of the officers of the armies, Presidents for the Republic, foreign ambassadors, heads of the departments, and chiefs of bureaus. But, he averred, the common soldiery who risked their lives and won victories for the Republic were drawn almost entirely from the free states. He contended that slavery should be confined within its present limits and expressed the opinion that if this were done, the states which fostered the institution would be brought to its gradual abolition. Moreover, he denounced both state and national government as despotic to the extent of government's support of slavery, and affirmed that any government was despotic where the rulers governed subjects by their own mere will.¹⁵ In closing, Stevens appealed to the Reverend Mr. Hilliard from Alabama to use his fervid piety and eloquence in warning "his illustrious friend, the President, of the awful, the inexorable doom--'Accursed is the man stealer'"; and suggested that Mr. Hilliard inquire of his own conscience,

¹⁴"Slavery prevents the diffusion of education. Under that system education is a privilege only for the rich. The poor white laborer's children could never be permitted to mingle in the same schools and sit upon the same benches with the rich men's sons. That would be offensive."

¹⁵Referring to the slaves, Stevens said, "In this government the free white citizens are the rulers....All others are subjects...the subjects have no rights, social, political or personal. They have no voice in the laws which govern them. They can hold no property. Their very wives and children are not theirs."

As he contemplated the journey to the dread tribunal where he must give the evidence of deeds done in the body to God, his Father, who was also God and Father of the slaves.¹⁶

The Southerners were irritated and bitterly aroused by Stevens' speech. A few days later, Million of Virginia, replied in a fiery speech, interpolated with personal allusions to Stevens. He was especially incensed because of a statement concerning the decadence of Virginia.¹⁷ Williams of Tennessee, said that Stevens had so grossly slandered the South as to force the conviction that at some period of his life, he had been a political bankrupt.¹⁸ Stanton, of Kentucky, who had taken umbrage at Stevens' description of the free white population of the South, branded his charges as base, unmitigated slanders.¹⁹ Stanley, of North Carolina, asked that Stevens let the South alone.²⁰ This, the Pennsylvanian had no intention of doing. Instead, his avowed purpose was to make the evils of slavery known and to put forth all efforts to weaken its hold and restrict its area. Because of his unequivocal stand, Stevens was bitterly denounced

¹⁶Globe, February 20, 1850. Appendix Vol.22, Part 1, 141-143.

¹⁷Ibid., February 21, 26, 1850. Million proudly designated Virginia as the land of Washington, Jefferson, Mason, Marshall, the Randolphs, and the Lees.

¹⁸Ibid., March 12, 1850. Appendix.

¹⁹Ibid., March 11, 1850.

²⁰Ibid., March 6, 1850. Appendix.

by the Southerners as a whole. Stevens was not alone in being the target for violent abuse because of his anti-slavery efforts. Horace Mann, educator and philanthropist, received similar abuse because he spoke in Congress against slavery and its extension.²¹ He was accused of "fanning the flames of fanaticism" and of making a speech which was "unworthy of being referred to in respectful terms."²² Any outspoken opponent of slavery provoked the wrath of Southerners. Stevens excelled even their most hot-tempered orators in the sharpness of his words, the biting sarcasm of his invectives and his compelling eloquence, and he was apparently unmoved by their anger and hostility.²³

On June 10, 1850, when the California question was before the House, Stevens seized the opportunity to launch another attack against slavery and this time his thrusts were sharper and deeper than before. He laid down a constitutional doctrine that the Constitution does not of itself extend over new territory.²⁴ He argued that no territorial officer holds by a constitutional tenure; no law of the United States extends to any of the territories by mere force of the Constitution. The Fugitive Slave Clause is no exception, and a slave who escaped to Mexico or California would be instantly free. To make the law apply would necessitate a special

²¹Ibid., February 15, 1850. Appendix, 218-224. Mann pictured the horrors of civil war and disunion which Southerners were threatening but asserted that he would accept such a war rather than an extension of slavery.

²²Ibid., March 6, 1850. Appendix, 341.

²³Woodburn, 103.

²⁴This doctrine was afterward affirmed by the Supreme Court in the insular cases.

of Congress. Congress had power to prevent or abolish slavery in the territories but not to establish it, because doing so would not be in accordance with the fundamental principles of government set forth in the Declaration of Independence. Unless those principles are altered by the Constitution, they control the action of the Government. He complained that Southern Representatives had not directed their attention to his previous speech, nor had they even attempted to deny his facts or refute his arguments, but had merely confined themselves to personal interpretation. The charge of fanaticism aroused his resentment. "Fanaticism," he asserted, "is excessive zeal. There may be fanatics in false religion or superstition. But there can be no fanaticism, however high the enthusiasm, however warm the zeal, in true religion, or in the cause of national, universal liberty." Stevens abhorred the word compromise, when applied to human rights, and deplored the surrender in Congress of a majority to a turbulent minority in admitting new slave states. He considered the Fugitive Slave Law of 1793 odious and said it should be repealed. He cited harsh judgments under that Act where worthy citizens of Pennsylvania had been heavily fined for giving food and water to a fleeing slave. Referring to action taken by Henry Clay, Senator from Kentucky, who "wishes further to make it the duty of all bystanders to aid in the capture of fugitives", Stevens affirmed that no law would ever induce him or his constituents to pursue or capture fugitives.²⁵ Apparently, the main object of Henry Clay's

²⁵Globe, June 10, 1850. Appendix 765-769. In a footnote which Stevens appended to his speech, he criticised Reverend Moses Stewart of Andover Theological Seminary for his attempted defense of the blessings and comforts of slavery. Stevens commented that the work contained "a glowing eulogy on the Honorable Daniel Webster and a rather faint one on the Bible."

political life was to maintain and promote the Union. His feelings and convictions concerning slavery differed from Stevens'. Clay's compromises, known as the Omnibus Bill, made concessions to both sides.²⁶ As a whole, the bill was defeated, but separated into five bills, they were passed one by one in the last term of the Thirty-First Congress. To the last, Stevens opposed both the Fugitive Slave Law and organization of the territories without the Wilmot Proviso. His speeches faithfully reflect his deep and unquenchable hatred of slavery, toward which his attitude was at all times uncompromising and his utterances unsparing.

When the Whig Convention met in August, 1850, Thaddeus Stevens was nominated by acclamation. Despite some internal dissent, his party was so strong that he was easily re-elected. On being nominated for Speaker, he received sixteen votes, which put him in fourth place. Joshua Giddings and Horace Mann consistently accorded him their support. Since, through the compromise measures there had been an adjustment with slavery instead of a firm stand against it, Stevens realized that for the time being at least, agitation was useless. He, therefore, said little concerning it during the session and, indeed, evinced a willingness to give Clay's measures a fair trial.²⁷

²⁶Globe, January 30, 1850.

The measure proposed included the admission of California as a free State; a more effective fugitive slave law; the abolition of the slave trade, though not of slavery, in the District of Columbia; the organization of territorial governments in New Mexico and Utah, without the Wilmot Proviso; immunity for the interstate slave trade; and a payment to Texas of \$10,000,000 for her claim to New Mexico.

²⁷Woodley, 176; Woodburn, 114.

On June 11, 1852 Stevens made a lengthy speech on Public Lands and the Tariff. Most of his talk concerned the tariff. A consistent advocate of protection, he presented the usual protectionist arguments, with decisive and unusual effectiveness. He said that though real free trade had never been practiced except among barbarian tribes, every highly civilized nation had to some extent attempted governmental protection of domestic industry. Twenty centuries of history had shown the wisdom of a national policy which protected industry by discriminating duties.²⁸ He denied that the rich benefited most from a protective tariff; the laborer was the chief gainer. Protection helped capital because it helped labor. Stevens asserted that under the administration of the Democrats, British interests were being protected to the detriment of home interests, and declared that the Walker Tariff of 1846 was a British tariff. He stated, moreover, that during its progress a British agent was in Washington "with rooms assigned at the capitol, to watch over its progress and facilitate its advent; and now Her Majesty has in this country vigilant friends guarding its safety." As a result, the iron masters of the United States were losing business and faced ruin unless Congress quickly afforded them relief. Stevens set forth two ways in which American Manufacturers might successfully compete with those in Europe. Americans could lay a duty on foreign importations

²⁸Globe, June 15, 1852. Stevens illustrated his protective contention by historic examples of the tariff procedures of Tyre, Holland, and Great Britain.

equal to the difference between producing the article in Europe and the cost of producing it here or they could reduce the price of labor in America to the average price of labor in Europe. He stated that the Whig policy was to impose a duty which equalled the difference in the cost of labor in the two countries; the Democrats pursued the policy of reducing wages, which consequently resulted in degradation of the laborers. He expressed preference for a protective policy which would afford laborers a feeling of dignity and independence, and held that free trade and reciprocal laws were of practical use "only when nations are equally advanced in skill, capital, and power of production." He urged the West to adhere to protection, to produce her own goods, to build up a market for agricultural products nearby and become independent of Pennsylvania and New England.²⁹

Stevens made a speech on the "Presidential Question" on August 12, 1852. At this time, the House was in the committee of the whole on the state of the Union considering an army appropriation bill, and members were discussing party platforms, presidential candidates and various political issues. While discussing the relation of the Whig Party to slavery, Stevens, characteristically seized the opportunity to launch a short but vigorous attack on both the institutions and the promoters. He said that Whig principles

²⁹Ibid., June 15, 1852.

Woodburn, 117, comments that a study of tariff conditions in the United States will show that Stevens' arguments had an application to the generation that followed, as well as to the one which preceded.

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consisted of obedience to the Constitution and the laws, a protective tariff, an equal participation in the public lands, river and harbor improvements, a sound currency, and a well regulated commerce. Along all other lines, Whigs could differ without forfeiting allegiance to their party. The question of slavery was not included in any party creed. Since slavery was local, it was not permitted to disturb national parties; it was not possible to incorporate into a uniform creed for any party what three-fourths of the people abhorred and one-fourth loved.³⁰

In Stevens' opinion, the Whig resolutions of 1832 did not conform to good Whig doctrine. They lacked strength on the subject of internal improvements, and on the question of a protective tariff had made protection dependent entirely upon the accident of the amount of revenue required. He censured Toombs, of Georgia, for abandoning Whig doctrines and for supporting the Democratic platform solely because it advocated protection of slavery. On that account, too, Toombs and the South at large preferred Franklin Pierce to Winfield Scott. They believed that slavery would be safer in Pierce's hands than in General Scott's.³¹ Stevens warned the

³⁰Ibid., August 14, 1852.

"In the North where a majority believed that slavery was a great moral, religious, and political evil, a disgrace to the Nation and a reproach to humanity, they nevertheless, obeyed the Constitutional provision and tolerated it." Even in the South where both Whigs and Democrats held slaves, many condemned the institution.

³¹Woodburn, 120, 121, expresses the opinion that in this they were correct, as Pierce had admitted that no word or act of his life had ever been in conflict with the pro-slavery Democratic platforms of 1852. On the other hand, General Scott, in 1843, had said that he believed it to be the duty of slave holding states to abolish slavery voluntarily and gradually. Moreover, General Scott had refused to promise either that he would veto the repeal of certain laws considered undesirable by the South or that he would use his powers and influence to prevent discussion of slavery.

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with that if it put into execution its threats to form a separate confed-
eracy, it would find great difficulty in protecting itself from foreign
 foes; the sympathies of the world would be against them; and no state
 would extradite fugitive slaves. He concluded his speech by expressing
 the hope that the "sound sense and true patriot^{ism} of the American people
 would arrest the headlong careers of reckless men."³² The Free Soil Party
 had nominated John P. Hale of New Hampshire on a platform which repudiated
 the Compromise and demanded free labor and free homes in the Territories.³³
 The Whigs finally chose General Scott and the Democrats made Pierce their
 candidate. Franklin Pierce was elected President of the United States
 with the largest majority in the electoral college since Monroe's election
 in 1820,³⁴ and assumed office in 1853. Webster and Clay were dead and
 no leader arose who could secure national support. The Whig party began
 to succumb.

On March 3, 1853, Stevens protested against a pending naval appropri-
 ation bill. He charged that it carried money for corrupt purposes and as-
 serted that the expiring moments of Congress, with the attendant confusion,
 noise and outside-pressure, were neither the time nor the hour to vote away

³²Globe, August 15, 1852.

³³Schlesinger, 128.

³⁴Ibid., 128. Pierce received 254 votes and Scott received 42.

millions. He said that he certainly would vote against the measure.³⁵ Stevens' term in Congress ended on March 4, 1853 and he retired with no expectation of ever returning.³⁶ He then resumed the practice of law in Lancaster.³⁷ He had been much displeased by the tendency of the Whig party to compromise with slavery and after Scott was defeated, had little inclination to participate in politics. But when the Missouri Compromise was repealed by the Kansas-Nebraska Act of 1854 and the extension of slavery to other parts of the West appeared imminent, he became as thoroughly aroused as did Abraham Lincoln and other anti-slavery Whigs in the North.³⁸

A new party committed to the policy of firm opposition to the extension of slavery, while holding previous political differences in obedience, was making more progress in the West than in the East. In the summer and fall of 1854, this new Republican party was becoming strong in Wisconsin, Michigan, Illinois and Indiana. It was formed of the more radical anti-slavery Whigs, the Anti-Nebraska Democrats, and the former members of the Free Soil Party who had left their party in order to oppose the extension of slavery. As late as 1855, conservatives in the East were still withholding their support of the new party, but in that year a mass meeting was

³⁵Globe, March 3, 1853. He succeeded in having action postponed on the measure.

³⁶Ibid., March 3, 1853. Before leaving, he stated: "It is more probable that hereafter I shall never meet any member here or elsewhere officially, and I desire to part with no unfriendly feelings toward any of them."

³⁷Woodburn, 125.

Stevens' practice extended to adjacent counties and it was generally conceded that he was "the most accomplished all-round lawyer in the State."

³⁸Ibid., 125.

held to organize the new Republican party in Stevens' home county. Less than twenty persons attended but Stevens was one of them. The party was organized, and the following year he was chosen as a delegate to the first National Convention, which held its meeting at Philadelphia on June 17, 1856.³⁹ In the Convention, Stevens earnestly supported Justice McLean in preference to General Fremont for the Presidency. He did not expect McLean to be elected but thought hope of success would be even less with anyone else.⁴⁰ As a member of the new Republican party pledged to aggressiveness against the extension of slavery, Thaddeus Stevens, at the age of sixty-eight, re-entered politics, was again elected to the House of Representatives, and began the hardest and most productive period of his life. During the next ten years, the Nation was to be confronted by the issues of secession, disunion, civil war and reconstruction, and Stevens, as much or perhaps more than any other man, was to bear the brunt of Congressional action regarding those issues.⁴¹

When Congress convened in December 1859, there were one hundred nine Republicans in the House, about ninety Democrats, and a scattering of

³⁹McCall, 93,94.

⁴⁰James Ford Rhodes, History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule in the South in 1877 (New York, 1920), II, 183. E. B. Washburne, in speaking of Stevens' appeal to his fellow delegates from Pennsylvania, said that he had "never heard a man speak with more feeling or in more persuasive accents."

⁴¹Ibid., 184. Globe, June 21, 1860. About this time Stevens spoke upon the death of an aged colleague, John Schwartz, of Pennsylvania, and in reference to old age, said: "It were perhaps more graceful for those who are conscious that age or infirmity has impaired their mental or physical powers, who find by repeated trials that they can no longer bend the bow of Ulysses, to retire, and lay down the discus which they have not the strength to hurl."

minor parties.⁴² The Republicans had a plurality but not a majority. Becock of Virginia was nominated for speaker by the Democrats, Mr. Corwin, a Republican from Ohio, nominated John Sherman who was also an Ohioan, Stevens named Galusha A. Crow, of Pennsylvania, and the other parties selected their candidates. The ballot showed no choice, and during the ensuing eight weeks the House was the scene of constant wrangling and fiery speeches by Southerners, retorts by Northerners, and the dogged persistence of Stevens that no business be attempted until the House was organized. On the first day of the session he had raised the point of order that only two things were in order, namely, to ballot for Speaker or adjourn. His point was disregarded and heated discussions ensued concerning John Brown's raid, Seward's "irrepressible conflict" and Hinton R. Helper's book, The Impending Crisis of the South. Wilson of Virginia declared that Republicans should present apologies and disclaimers because of John Brown's raid.⁴³ Keitt, of South Carolina, also charged the Republicans with responsibility for Helper, and Brown, of the same State, asserted that the South only wanted its rights. Brown added that he would shatter the Republic from turret to

⁴²Among these parties were the "South Americans" or Southern Opposition, composed of former Know-Nothings and Whigs who opposed Buchanan's administration, and the Anti-Lecompton Democrats.

⁴³Globe, December 6, 1859.

the foundation before he would take one title less. Stevens immediately urged his point of order and provoked the house to laughter and applause by remarking that the Southern gentlemen had tried fifty times to rend God's creation from the turret to the foundation. When the Clerk was finally able to restore order, Stevens insisted that no business be transacted until the House was organized, and moved to adjourn.⁴⁴

The next day Lucius J. Q. Lamar, of Mississippi, accused Senator Seward of being responsible for John Brown's raid and said that Brown had merely put the Republican idea into action. Lamar claimed that the Negro had been put into the Constitution "as an instrument of property of society, and of government" and affirmed that if the Constitution were violated, he would raise the banner of secession and fight under it as long as the blood flowed and ebbed in his veins.⁴⁵ Two days later, Thomas Corwin, of Ohio, asserted that if the Union could be rent from the turret to foundation because a man from North Carolina had written a book, advising a boycott, which book members carelessly endorsed, "we had better go to work and pull it down ourselves and go home."⁴⁶ Anderson of Missouri, who claimed independence of all parties, made the suggestion

⁴⁴Ibid., December 6, 1859. Some angry Southerners rushed toward Stevens, and Barksdale, of Mississippi, drew his knife. Other members intervened. Stevens, who meanwhile had not moved, remarked to the Clerk. "This was but a momentary passing breeze, sir, nothing else."

⁴⁵Ibid., December 7, 1859.

⁴⁶Ibid., December 8, 1859.

members of the Democratic, South-American, and Anti-Lecompton parties should meet together and organize the House. Instantly, Stevens was on his feet voicing the assurance that he, too, was willing to put forth all efforts to organize the House, and expressing regret that the gentleman's sweet-tempered proposition did not extend to his side of the House.⁴⁷

John H. Reagan, of Texas, charged that the Northerners were moved by sectional interests and motives and were appealing to fanatics and urging aggression on the South.⁴⁸

During the weeks of controversy, Stevens said little, aside from now and then interjecting a little wit and satire. But on January 25, he spoke at greater length. In reference to the delay in organization of the House, he asserted his firm belief that "the whole program was drawn up at the White House and is carried out in pursuance of the idea, that the old women and the men in petticoats and the misers of the North are to be frightened." He said that the Chief Executive was a politician as well as a statesman, and a word from him would organize the House, by a withdrawal of a few Democrats, and then provision could be made for the needs of the country. He protested against Northern Representatives allowing themselves to be frightened by Southern intimidation and against Southern misrepresentation of the Republican party. The Republican party has and does recognize the

⁴⁷Ibid., January 3, 1860. As evidence of his sincerity concerning organization of the House, Stevens moved an immediate vive voce vote Speaker, to which the Democrats objected.

⁴⁸Ibid., January 3, 1860.

principles that every law must be obeyed till it is either repealed or becomes so intolerable as to justify rebellion. Thus, Thaddeus Stevens succinctly stated the problem to which he devoted the remainder of his life. Though he disclaimed the right to interfere with slavery within states, he held that where the law of no state was in operation, where Congress must assume responsibility of the Government, Congress had both the power and the right to abolish slavery. Such authority applied to the territories, the District of Columbia, the navy yards, and the arsenals. He called upon all who approved Republican principles to assist in their propagation, not in the House but elsewhere.⁴⁹ Stevens' speech was strikingly outspoken. At the risk of expulsion from the new party, he had deliberately assumed its spokesmanship in Congress. Finally, the House organized on February 1 and Pennington, of New Jersey, was elected Speaker. Mr. Pennington, a conservative, did not think that slavery was in itself morally wrong and, as Governor of New Jersey, had recommended enforcement of the Fugitive Slave Law. Stevens voted for him, and Keitt, of South Carolina, accused the Republicans of taking Pennington up to lure floating votes.⁵⁰

After the House was organized, Stevens became a member of the Committee on Ways and Means, of which Sherman, of Ohio, was Chairman. During the remainder of the session, Stevens devoted his attention mainly to work on tariff and appropriation bills and with discussion of contested elections.

⁴⁹Globe, January 25, 1860. He agreed with Clay and Webster that Congress had the right to abolish slavery in the District of Columbia, and said when it could be safely and justly abolished, Republicans purposed to do so. See Appendix for Bill.

⁵⁰Ibid., February 8, 1860.

Concerning contested elections, he knew that members could only act on the findings of a committee appointed to investigate and that the contestant from a majority party was generally seated. He recommended the adoption of the British system of submitting the whole matter to a judicial committee which had power to try a case carefully and make a final decision, but beyond discussing it, the House took no action.⁵¹ As stated before, Stevens was greatly interested in a protective tariff. He was convinced that it was best for the country, and continued to insist that no nation would ever reduce free trade to practice until all nations were of one size, one wealth, one skill, one capital. His desire was to protect labor and to give the unemployed more opportunity to work. He would not declare himself in favor of a tariff with accidental protection. He said the bill before the House was nothing more, and asserted that he voted for it only because of the clause which repealed the warehouse system.⁵² The House passed the revised tariff bill, but Senate action resulted in the bill, afterwards known as the Morrill Act, being carried over to the next session.

The whole country was in a state of nervous strain when Congress

⁵¹Ibid., June 8, 1860.

⁵²The warehouse system provided that foreigners, when there was little demand for the supply of goods which they had at home, might send their goods to the United States and keep them in warehouses for three years without paying duty. If the goods were kept there until the market rose, they could put them in the market before Americans could be ready to compete.

adjourned in June 1860. There was a general feeling that the Presidential election in the autumn would be a momentous event in the history of the Nation. Abraham Lincoln was regarded as the favored candidate of the Anti-Slave North. Thaddeus Stevens, one of the delegates from Pennsylvania, attended the National Convention in Chicago in which Lincoln was nominated. Again, as in 1856, Stevens preferred Judge McLean as the candidate of his party, though the state delegation supported Simon Cameron, for whom Stevens had a profound dislike. Finally, the Pennsylvania delegation supported Lincoln in preference to Seward, and Stevens voted for Lincoln on the decisive ballot. Though Lincoln received less than a majority of popular votes, he would be the next President of the United States. The Republican party had elected a President; what effect that election would have on the continuance of the Union, no one knew. In the Senate, Joseph Lane, from Oregon declared:

"It is not the election of Mr. Lincoln that is troubling the country, as I said before, but that he is regarded as a dangerous man; that he entertains views and opinions as expressed by himself, which are dangerous to the peace, safety and prosperity of fifteen states of this Confederacy. It is because he has been supported and elected by a party.... Mr. Lincoln, himself, if he were not in the hands of such a party would not be objectionable....He holds the slave states and free states cannot live together. I apprehend the result will be that they will not live together."⁵³

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The issue upon which Lincoln was elected was the restriction of slavery by national authority to the area occupied by the slave states. Lincoln said the question was who should control the Government. Shall it be controlled by those who think slavery is right, and that it should be extended, or by those who believe slavery is wrong and that it should be restricted? Lincoln's statement contained the gist of the controversy. Thousands of Northern voters looked upon the Republican party as a sectional party that disturbed the peace of the country and threatened the Union. They felt that the Union and the anti-slavery cause could never abide together. Southerners seemed utterly unable to distinguish between abolitionists and anti-slavery men; considered Lincoln hostile to the South and gave him very few votes. Even in the North, whose electoral vote he carried, Lincoln's popular majority against the combined opposition was very small.⁵⁴

⁵⁴Schlesinger, 164, 168; Woodburn, 151, 152, 153.
Lincoln received 180 electoral votes, all of them from the free states, Breckinridge 72 votes, all of them from the slave states, and Bell and Douglas received 39 and 12 respectively, all of them from the border states. Lincoln received about forty per cent of the popular vote, Douglas more than twenty-nine per cent, Breckinridge eighteen per cent, and Bell about thirteen per cent.

PART II

THE CIVIL WAR PERIOD, 1861 - 1864

CHAPTER V. THE WAR AND SLAVERY

Causes of the war---Leader of
the House---Crittendon Resolution---
Stevens' opinion---Resolution,
December 3, 1861---Speech, January 22, 1862
---Stevens' criticism---Thirteenth
Amendment.

CHAPTER V

THE WAR AND SLAVERY

The three salient aspects about which the political movements and controversies of the Civil War may best be considered and studied are: first, the relation of the war to slavery; second, the relation of the war to the Constitution; third, the effect of the war upon the political status of the seceded states and their relation to the Federal Union. These, in connection with the President's increased war powers, form the main issues and phases of the struggle.

A careful consideration of Thaddeus Stevens' services to the Nation as a whole during the Civil War will reveal the fact that he deserved more appreciation than is generally accorded him by historians. In reaching this conclusion, it is necessary to take into account the feelings and sentiments of those who naturally regarded his radicalism as fanatical persecution, and to consider the temper and spirit of a period when radicalism may have appeared to him as the best and only logical procedure. Stevens clearly recognized the seriousness of the war and he constantly insisted upon promptness, energy, and determination of purpose. He held the conviction that the slave-holders were trying to destroy the Union in order to save slavery; and he, in turn, strongly advocated destroying slavery in an effort to save the Union.¹

¹James A. Woodburn, "The attitude of Thaddeus Stevens toward the conduct of the Civil War." American Historical Association Report for 1906, Vol. I, 213.

The immediate result of Mr. Lincoln's election was to accelerate the movement toward secession. South Carolina threatened to withdraw at once from the Union and on December 20, 1860, passed an ordinance of secession.² In the North, many who had voted for Lincoln were frightened and appeared anxious to make such concessions to the South as would have granted perpetuity to slavery, if only the Union were preserved.³ There was a woeful lack of national spirit and purpose evident in the country. Stevens fully realized that the question of disunion was so grave that it must be met without fear or excitement. He said that the virtue most needed in time of peril is a courage which will not be excited to action by indignation or revenge. He held that a state could withdraw from the Union only by an amendment to the Constitution or by revolution. He thought, too, that the Supreme Court should give an opinion on this matter, and vainly urged President Buchanan to take action necessary to obtain one.⁴ Buchanan's weak and vacillating message to Congress blamed the Anti-Slavists for the crisis; said that South Carolina was justly provoked; though she had no constitutional right to secede, the Government had no power to prevent such action, nor could it force a seceded state to return to the Union. He claimed the opinion of Attorney General Black as a basis for the

²Schlessinger, 171.

³Woodburn, 154.

⁴Globe, January 29, 1861.

statements concerning the Government's lack of power.⁵

There seemed to be a general feeling throughout the country that a dissolution of the Union "would be the greatest calamity that could befall civilization in America."⁶ Stephen A. Douglas declared in the Senate on February 21, 1861: "The use of the sword is war, disunion and separation, now and forever."⁷ Wendell Phillips had asserted that the South had a right to form a separate government, if it chose,⁸ and Horace Greeley, in an editorial in the New York Tribune in November, 1860 advised: "Let the Irish Sisters depart in Peace." Charles Francis Adams is said to have declared that every other cause should be sacrificed to prevent disunion. In 1848, Mr. Adams had been the candidate of the Free Soil Party for Vice President. But now he proposed that no future amendment proposing interference with slavery should originate with a state that did not permit slavery or should be valid without the unanimous consent of the states of the Union.⁹ Adam's proposal was supported by almost all members of the

⁵Ibid., January 11, 1861. The President proposed an amendment to the Constitution which would concede Southern contentions regarding the Dred Scott Decision, the Fugitive Slave Act, and the unconstitutionality of the Personal Liberty Laws. Seward said this attitude of Buchanan's held substantially, that "a state had no right to secede unless it wished to do so and that the Government must save the Union unless somebody opposes it."

⁶Woodburn, 154.

⁷Globe, February 22, 1861.

⁸Woodburn, 154.

⁹Globe, June 2, 1860.

committee of thirty-three which the House had appointed to consider plans of compromise and conciliation.¹⁰ The committee's report recommended the enactment of Adam's amendment, repeal of the personal liberty laws in the free states, the admission of New Mexico with its slave laws; and amendment of the Fugitive Slave Law so that a person seized by a claimant should be accorded a jury trial, not in the free state where he was seized and might have been a citizen for many years, but in the slave state to which he was returned. The committee of thirteen, appointed by the Senate, to consider methods of compromise, reported, in less than a month, that it had not been able to agree upon a proposal for submission.¹¹

By February 1, 1861, South Carolina's example of secession had been followed by Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas.¹² During these exciting days, Stevens listened but said little. Toombs, of Georgia, proposed an irrevocable amendment to the Constitution which would guarantee protection of slavery in the territories, increase Federal protection of slave property; the return of a fugitive slave by the state in which he was seized, to the state from which he fled; immediate surrender of slaves without right of habeas corpus or trial by jury; and efficient laws to protect the Southern States against interference with slavery by Northern States. Senator Seward, of New York, expressed willingness to

¹⁰Globe, December 11, 1860.

¹¹Ibid., January 17, 1861.

¹²Schlesinger, 171.

support an "unamendable amendment" which would secure perpetual slavery in states where it existed and effectively prohibit interference with the institution by free states. Senator Crittendon, from Kentucky, proposed an amendment which would re-establish the Missouri-Compromise line in the territories, with the protection of slavery south of that line; would guarantee that slavery should not be abolished in the District of Columbia while it existed in Virginia and Maryland; and that no future amendment of the Constitution should ever affect the three-fifths allowance of slaves in Southern representation or the rendition of fugitives slaves, nor permit Congressional interference with slavery in the states.¹³ Lincoln's victory in the election was fortunate for the country. Possessing clear vision, sagacity, courage, and firm purpose, he was inflexible on the point of extending slavery, and expressed his views in unmistakable terms. He declared:

"I am for no compromise which assists or permits the extension of slavery on soil owned by the Nation.....
The tug has to come, and better now than later.....
Any trick by which the nation is to acquire territory and then allow some local authority to spread slavery over it is as obnoxious as any other. To effect some such result as this is the object of all these proposed compromises."¹⁴

¹³Ibid., July 23, 1861. Douglas advocated Crittendon's plan, leading Southern Senators gave it luke-warm support, but Republicans eschewed it. More will be said of the Crittendon Resolutions later.

¹⁴Ibid., July 5, 1861, Appendix. President's Message of July 4, 1861.

Stevens was of precisely the same state of mind. He was closely bound to the Union and to him action on the part of any state to break it was high treason. He thought Buchanan a spineless dotard, and realized fully Lincoln's stable qualities.¹⁵ On December 31, 1860, he had introduced a resolution requesting Buchanan to give the House information concerning the forts, arsenals and public property near Charleston, but when a routine motion was made that as much of the President's message as related to the perilous condition of the country be referred to the special Committee of Thirty-Three, Stevens voted against it. He held that negotiation was ended when the secessionists declared their intention not to listen to concession or compromise.¹⁶

On January 29, while the House was considering the report of its conciliation committee, Stevens obtained the floor and expressed his views. He was accorded immediate and rapt attention.¹⁷ "No compromise," said he, "can be made that will have any effect in averting the present difficulty." Southern leaders had gone too far to retreat. He took sharp issue with Buchanan's accusation that Northern interference with slavery was responsible for disunion, and denounced the President's impotent conclusion that the Government could neither prevent nor punish secession. The President

¹⁵Woodburn, 158.

¹⁶Globe, January 6, 1861.

James G. Blaine asserted that the conclusions of the Committee tended only to lower the tone of Northern opinion, without in any degree appeasing the wrath of the South.

¹⁷Woodburn, 161.

Though physically ill at the time, he was never more alert mentally.

had power to see that all laws were faithfully executed and Congress had authority to make all laws necessary for carrying that power into execution. The pretexts used to justify secession were trivial. One state had frankly given as its reason for secession the fact that Lincoln's election had given to the North the power of government which the South had held so long. As for himself, before he would show repentance for Mr. Lincoln's election, he would see the Government crumble into a thousand atoms. If he could not be free, he preferred not to exist. Stevens contended that the Government should collect its revenues in the seceded states. If that could not be done and if smuggling could not be prevented, he proposed that the laws should be abolished which established ports of entry and collection districts and thus prevent all vessels, foreign or domestic, from entering or leaving any of their ports. He asserted that had the Government properly garrisoned and supplied forts within the collection district of Charleston when it became evident that the South would secede, those forts would have been impregnable. He was unwilling to believe that President Buchanan had intentionally left the forts defenseless in order that South Carolina might seize them before his successor could safeguard them. Such action would make him a more odious traitor than Benedict Arnold.¹⁸

In all of the turbulence and nerve tension which had preceded actual secession, Stevens had remained collected and intelligent. No man in public life recognized more clearly than he the gravity of the situation.

¹⁸Globe, January 29, 1861.

No one knew better than he that if war should follow, there was no assurance of the outcome. He neither proposed nor encouraged proposal of War. He waited. In April 1861, when Fort Sumter was fired on, the issue was decided. The question became one of national unity and enforcement of national authority against dissolution of the Union. The North united upon the issue.

Lincoln's election had been carried upon the restriction of slavery. His first purpose on coming into power was to restrict secession. He recognized the fact that the Union cause was much stronger than the anti-slavery cause. His chief desire was to "unite the North, divide the South, save the Border States and preserve the Union."¹⁹ His inaugural address was conciliatory toward both slavery and the South. He stated that he was committed by his party platform to "the preservation of the Union and the maintenance of the right of each state to order and control its own domestic institutions--according to its own judgement;" disavowed any purpose either directly or indirectly to interfere with slavery in the states where it then existed; and said he had no inclination to take such action, nor did he believe that he had the right to do so.²⁰ Southerners remembered

¹⁹Woodburn, 160. Thousands of Union men in the Border States and also among his own party in the North were of the opinion that the anti-slavery agitation had been the cause of disunion.

²⁰Ibid., 169. Lincoln's letter to Horace Greeley just prior to emancipation indicated clearly that his paramount object was to save the Union. He declared that if he could save the Union by freeing all or some of the slaves, he would do so, and if he could save it without freeing any of them, he would do so.

his declaration that the Union could not exist half slave and half-free and placed no faith in the assurances made in his inaugural speech. They were of the opinion that if slavery could not be extended, it would ultimately become extinct. Thaddeus Stevens later said that when Sumter was fired on there were probably not three thousand abolitionists in the whole country who were disposed to disregard the Constitution or violate interstate comity in order to destroy Southern slavery.²¹

In sharp contrast to the wrangling and delays which attended organization of the House at the preceding session, when Congress convened at President Lincoln's call, organization was quickly effected. In the prior sessions, Stevens was simply a member; in the new session, he immediately assumed command. He did this without ostentation but with complete effectiveness. He nominated Galusha Crow for Speaker. On being appointed Teller, Stevens declined, saying jokingly that he could not write. The House was amused. John Killinger, of Pennsylvania, nominated him for Speaker. On the first ballot, Crow received ninety-nine votes, Blair, of Missouri, forty, and Stevens one. Rising, he said, "I will not be a candidate any longer and request my friend who voted for me to withdraw his vote." His remark and his manner put the House in high good humor. On the next ballot, Crow was elected.²²

Congress contained a Republican majority and the resentment which the bombardment of Fort Sumter provoked in the North was general. No one

²¹Ibid., 170.

²²Globe, July 8, 1861.

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doubted either the need for immediate action or for unhesitating support of the President in making executive action effective. In the House of Representatives, Stevens proceeded to act. On the second day of the session, within twenty-four hours after the assignment of committees, Stevens, as Chairman of the Ways and Means Committee, reported a bill which authorized a national loan. It was granted. Without delay, the bill was read twice, ordered printed, and made special business for the next day.²³ Next, he reported a bill which appropriated six million dollars to pay the soldiers called to service by Mr. Lincoln in his April proclamation. After being read three times, the bill was passed within an hour after the House convened.²⁴ The record contains less than three hundred words. On the same day, Stevens rushed through a bill which authorized the Secretary of the Treasury to borrow up to two hundred and fifty million dollars for war purposes. There was no time for discussion or speech making.²⁵ At this time, Thaddeus Stevens originated a procedure which became renowned. When opposition came from those whom he knew were chronically against everything that might aid the North in prosecuting the war, he made no answer. When opposers ceased talking, he quickly moved the previous question. Speeches automatically ceased and a well disciplined House majority proceeded with the necessary action. When a rumor became current that

²³Ibid., July 9, 1861.

²⁴Ibid., July 10, 1861.

²⁵Ibid., July 10, 1861.

Plans were under way to destroy railroad communication between Washington and the North, President Lincoln and his administration were much concerned. With his usual vigilance, Stevens, on July 24, presented from his Committee a bill which appropriated one hundred thousand dollars to maintain police organized by the United States, in Baltimore. He patiently permitted discussion by objecting Southerners, but when Burnett, of Kentucky, denounced the measure as high-handed, Stevens openly affirmed that the police chief was a traitor, that the Police Board had been arrested for "plotting treason and acting a large part of it" when "found surrounded by arms, hidden, buried, and ready to be used against their fellow citizens who were loyal to the Government...." Abruptly refusing to permit further discussion, he moved the previous question and carried the bill by 97 to 6.²⁶

On August 1, 1861, before the first week of the session had ended, Stevens' Committee had prepared a bill to provide for a national loan. In order to forestall long speeches and debate by Southern sympathizers and neutral Democrats, he introduced a clever technique. He moved that rules be suspended so that the House might go into a Committee of the Whole on the State of the Union to consider the bill. Before that could be voted upon, he moved that "general debate on the bill be closed in one hour after its consideration shall be commenced." Vallandigham protested violently, but the House supported Stevens. His new device was so successful that he began to make regular use of it. After reducing the time to five minutes,

²⁶Ibid., July 29, 1861.

and then to one minute, he went so far on one occasion as to move that all debate on part of a bill "be terminated in one-half minute after the Committee again resumes its consideration."²⁷ When the Chairman presented his tariff bill, Elijah P. Lovejoy, arose and inquired if he intended to drive the bill through with a tandem team, and warned him that, if so, obstacles might be found in the way.²⁸ With the concurrence of the House, Stevens had allowed only one hour of debate on this bill, but tolerantly refused to end debate when the time limit was reached. A second tariff bill which he offered, levied a heavy tax on tea and coffee. Stevens sensed opposition from his own followers and at once withdrew the bill, with leave to present an amended one on the following day.²⁹

Stevens refused to permit action upon any resolutions, whether they supported or opposed his policy. Holman offered a resolution that no adjustment of existing difficulties that did not acknowledge the integrity of the Union be ever sanctioned by the Government. Vandever desired that the House be placed on record as pledging to the country and the world the employment of every resource, national and individual, for the suppression, overthrow and punishment of rebels in arms. Stevens' views were much in harmony with those of both Holman and Vandever, but he realized the

²⁷Ibid., July 13, 1861.

²⁸Stevens replied that he could not use a tandem team because there were too many mules present. Lovejoy commented upon the obstinacy of mules when they had long-eared drivers.

²⁹Globe, August 5, 1861.

difficulty which attends appraisement of the future and the folly of
submitting Congress to any policy at that crucial time. He, therefore,
objected and stated that he did not believe any such resolutions from any
committee would be productive of good.³⁰

In the latter part of July, Stevens succeeded in pressing through the
House a bill to appropriate ten million dollars with which President
Lincoln could purchase arms. He also had one passed that had two hundred
thousand dollars set aside for the defense of the City of Washington and,
on the same day, placed an additional ten million dollars at the
President's command for the purchase of ordnance.³¹ By August, the House
was ready for adjournment. Stevens had reported in July that the House
had swamped the Senate, which was so slow in its action that nothing more
could be done. When he suggested adjournment until the following Monday,
VanWyck expressed fear that if the House did adjourn, the Senate might
follow its example and thus defeat the purpose in view. When Stevens
replied that he never knew the Senate to follow a good example, there was
much laughter and the House agreed to his motion.³²

The magnitude of Stevens' accomplishment, no less than the manner in
which he did so, is astounding. Though much of it was accomplished by
unanimous consent, there were sometimes numerous dissenters, who soon,

³⁰ Ibid., July 3 and 23, 1861.

³¹ Ibid., August 2, 1861.

³² Ibid., July 23, 1861; Woodley, 230.

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However, recognized the futility of objecting. If objectors were persistent, Stevens moved that the rules be suspended, and supported by a majority, obtained his goal. His assumption of leadership in the House enabled him to secure and place at the President's command material means with which to carry on the War. His well planned vigorous and sometimes stern methods, produced definite results and helped to crystallize loyal sentiment. Abraham Lincoln needed the backing and whole-hearted support of Congress and, at this time, no one could doubt that he had it.

The Crittendon Resolution of July 22, 1861, said in, substance, that the War was prosecuted by the Government neither to conquer or subjugate the Southern States, nor to interfere with slavery, but to preserve the Union and to defend and maintain the Constitution and the law "with all the dignity, equality, and rights of the several states unimpaired, and that as soon as those objects are accomplished, the war ought to cease."³³ At the time that the Resolutions were offered, they voiced the general public opinion of the country and the almost unanimous opinion of the Republican party. The president was apparently ready to make this policy his own. He attempted at first to conduct the war without interfering with slavery and on the assumption that the relation of the seceded states to the Union had not changed. After a few months of war, however, it was apparent that slavery was a source of strength and rebellion, and conservative Unionists became convinced that interference with the institution was

³³Globe, July 23, 1861.

necessary both for the welfare of the National Government and a successful outcome of the War.³⁴ At the outset there were a few men in the country who believed that rebellion must end in the destruction of slavery. Stevens was one of these. When the Resolutions were offered, he objected to them and with-held his vote. He was one of four in the House who refused to subscribe to the doctrines contained in the Resolutions.³⁵ When the Thirty-seventh Congress convened in regular session in December 1861, an attempt was made to re-affirm the Resolutions, they were decisively rejected by a party vote upon the motion of Thaddeus Stevens.³⁶

Less than two weeks after the Crittendon Resolutions were first offered, non-interference with slavery had become a subject of sore discussion in Congress. It came up in connection with the first Confiscation Act of August 3, 1861. Stevens earnestly supported this measure which marked the beginning of war legislation concerning slavery. Much opposition was aroused because a section of the law required owners to forfeit slaves whom they permitted to be used in arms against the United States or to labor in forts or intrenchments, or employed in any military or naval capacity against the National Government. During the debate on confiscation, August 2, 1861, Stevens expressed his strong opposition to slavery and his determination to strike at the institution whenever opportunity offered. He said:

³⁴Woodburn, 171.

³⁵Globe, July 23, 1861.

³⁶Ibid., December 6, 1861.

"God forbid that I should ever agree that the slaves should be returned again to their masters....I do not say that this war is for that purpose....I did not like the Crittendon Resolutions because they looked like an apology from us in saying what were the objects of war. Those who made the war should explain its objects. Our object is to subdue the rebels."

He also predicted that Negroes would be armed "in defense of the Union."³⁷

After the Crittendon Resolutions had been rejected, Stevens encouraged both his party and the administration to be more aggressive concerning slavery and emancipation. On December 3, 1861, he introduced a joint resolution which contained two propositions: (1) to strike for general emancipation as the surest means of crushing the Rebellion, and (2) to reimburse loyal owners in full for any loss they might sustain by this policy. The resolution states that slavery had caused the Rebellion and that while the institution existed, there could be no peace and union. The rebels were using slaves to support the war, and "as by law of nations it is right to liberate the slaves of an enemy to weaken his power," the President should be directed to "declare free and direct our generals in command to order freedom to all slaves who shall leave their masters or aid in quelling the rebellion."³⁸

On January 22, 1862, when the House was in a committee of the whole on the state of the Union, Stevens made a notable speech. He spoke of his resolution made on December 3 and of that bill having been removed along with other similar ones from the House on motion of Mr. Kellog of Illinois,

³⁷ Ibid., August 5, 1861.

³⁸ Ibid., December 6, 1861.

and announced his intention to discuss the bill. He said that the Rebellion was not accidental, as some claimed. Thirty years earlier when John C. Calhoun and other South Carolina conspirators attempted to dissolve the Union, General Jackson "with an energy and a patriotism which covered a thousand faults" crushed the treason. But he saw that they would persevere; that the tariff, which was then the alleged cause, was but a pretense and that the next pretext would be slavery. The seceded states had not rebelled for a redress of grievances, but to establish a slave oligarchy. The Declaration of Independence and the Constitution were a constant reproach to the slave-holding South. They were in palpable contradiction to their domestic institutions. When it became evident that Mr. Buchanan was to be the last Southern President, his cabinet, almost wholly devoted to the interests of slavery, worked industriously to weaken the North and strengthen the South. They fastened a free trade system on the country, which impaired revenue, reduced the Navy to an unserviceable condition or sent it to distant waters, and saw to it that the Army was on the Pacific coast, sequestered in Utah, or defending the Southern States from the Indians. Thus prepared for rebellion, Mr. Lincoln's election no doubt precipitated the explosion. If the Government submits to the rebels, it loses its character and ceases to be a power among the nations of the earth. Universal emancipation must be proclaimed to all. It must be made known that the Government is fighting not only to enforce a sacred compact, but to carry out the great principles of the Declaration of Independence. An awful responsibility rests on those in authority. Every day's delay costs

the Nation \$1,500,000 and hundreds of lives. If those in authority do not awake to their responsibility, the people must speak and teach them that in this responsible Government the rulers are but the servants of the people.³⁹ Stevens' speech was welcomed by anti-slavery men everywhere. He received many letters of approval and appreciation, not only from his constituents but from persons whom he did not know.⁴⁰

Stevens was much displeased with Lincoln's conservative policy in overruling military emancipation by General Fremont in August, 1861 and by General Hunter in the Department of the South in the spring of 1862. He sharply criticised the Administration's anti-slavery point of view and, as the war continued, repeatedly expressed his dissatisfaction.

"There are many things in this war which I cannot approve. I cannot approve of setting generals who sympathize with slavery at the head of our armies or setting our generals under express orders to pursue and return fugitives from traitors....I say that General Hunter has done that for which, if this administration rebuke him, it would deserve to be driven out....I can no longer agree that this administration is pursuing a wise policy....I cannot agree to the policy which is forbidding the employment and liberation of these men. Its policy ought to be to order our Army wherever they go, to free the slaves, to enlist them, to arm them, to discipline them...and set them to shooting their masters, if they will not submit to the Government."⁴¹

³⁹Ibid., January 22, 1862.

⁴⁰Stevens, Papers, Library of Congress. See letters of William W. Keith, Wyoming, New York, February 8, 1862; Thomas Whitson, Willow Glen, Pa., March 20, 1862; and Frederick Miles, Sugar Grove, Pa. No date.

⁴¹Globe, July 5, 1862. He declared that every foot of their land and all of their property should be seized by the armies as they went along and the proceeds from same be applied to Union needs and uses.

Stevens characterized the President's message proposing compensated emancipation as "the most diluted milk-and-water gruel that was ever given to the American Nation."⁴² He urged the passage of the Act⁴³ which forbade the return of fugitive slaves, and denounced Mr. May, of Maryland, for saying that he would fight only for freedom of his own race.⁴⁴

During the summer and fall of 1862, before the President had announced his policy of emancipation, Thaddeus Stevens importuned him to disregard his timid counsellors, to re-constitute his Cabinet, to assert himself against the Border States politicians, and thus re-animate the country with a desire for liberty and a love for the Union. He urged him to use every means, political and military, in a mighty effort to defeat the enemy. He felt that unless Mr. Lincoln committed himself boldly to the anti-slavery cause, and prosecuted the war in a way to bring the greatest possible injury to those who had promoted it, an inglorious peace would result. Stevens was ready to resort to any extreme to avoid such a catastrophe. On August 10, 1862, he wrote that a change of Cabinet was the only hope. On September 5, he said: "The removal of Hunter and Butler and the continued refusal to receive Negro soldiers, convince me that the Administration is preparing the people to receive an ignominious surrender to the South."⁴⁵ In October and November, he again voiced the opinion that a

⁴²Ibid., July 15, 1862.

⁴³March 13, 1862.

⁴⁴Globe, February 2, 1863.

⁴⁵Stevens' Letters, August and September, 1862.

new Cabinet was the only hope for an effective policy.⁴⁶ It has been said that the radicalism of men like Stevens caused the President much anxiety and embarrassment and that Lincoln could only proceed in opposition to slavery as public sentiment permitted. It has been claimed that had the President committed himself to the radicalism of anti-slavery leaders, he would have lost the slave-holding Unionists in the Border States, the irresolute Republican voters in the North, and the volunteer soldiers to the Army, who had no intention of fighting for abolition, and, consequently, might have lost the cause of the Union. Many men of foresight and vision believed, however, that the Nation must choose between the Union and slavery, and after the first year of the war, this situation was quite generally realized. Thaddeus Stevens declared:

"If a disgraceful peace were made, leaving the cause of this Rebellion, and the cause of future wars untouched and living, its authors would be the object of the deepest execration and of the blackest infamy....All this clamor against radicals, all this cry of the 'Union as it was' is but a persistent effort to reestablish slavery on the limbs of immortal beings. May the God of Justice thwart their designs and paralyze their wicked efforts."⁴⁷

He considered Mr. Lincoln the "best meaning of living men" but regretted that he had not shown a sternness and resolution of purpose similar to that displayed by Andrew Jackson in an effort to save the life of the Nation. Stevens was of the opinion that the President had been restrained in his free action by Massachusetts Whigs and New York Politicians who "sought

⁴⁶Ibid., October and November, 1862.

⁴⁷Globe, January 22, 1864.

to end the war in sixty days without hurting or provoking the rebels."⁴⁸

In the fall of 1864, Stevens was more hopeful. He foresaw the abolition of slavery in the United States. He whole-heartedly supported Lincoln's re-election, and in a campaign speech in the Union League Hall in Philadelphia, October 4, 1864, he declared that the Republic would either emerge from the Rebellion reunited and strengthened or would sink into despotism, slavery, and infamy. One or the other condition would result from this election.⁴⁹ After Lincoln's re-election in 1864, there was a sufficient majority in the new Congress to pass the thirteenth amendment to the Constitution. This amendment, forever abolishing slavery in the United States, had been introduced into the House in December 1863 by Mr. Ashley, of Ohio, and into the Senate by Mr. Wilson, of Iowa. On April 8, 1864, it was passed in the Senate by the necessary two-thirds majority. Stevens quickly brought it up in the House, but on June 15, 1864, it failed to pass.⁵⁰ The amendment was opposed by strict construction and obstruction views. Pendleton, of Ohio, said that there were parts of the Constitution that could not be amended, not even by the consent of all the states save one; if the amendment were proposed on the dissenting states

⁴⁸Stevens' Speech before the Union League in Lancaster, Pa., 1863.

⁴⁹Union League Gazette. Stevens' Speech, Philadelphia, October 4, 1864. Stevens rejoiced that the President had at last declared for both the Union and the abandonment of slavery. He said that every man who loves liberty might well exclaim "Thank God for Abraham Lincoln."

⁵⁰Globe, April 9 and 15, 1864. The vote in the House on April 15 was yeas, 93; nays, 65; not voting, 23.

by force, they would have the right to resist by force. In the discussion, Stevens adroitly forced Pendleton to the absurd position of asserting that if three-fourths of the states attempted the amendment, they would, thereby, remove themselves from the Union, while the minority of unresisting states would form the only real constitutional Union. Stevens contended for unlimited power of amendment and that slavery was as suitable a subject for amendment as religion, which was related to one of the early amendments. No power had been granted Congress to legislate on the subject of religion but the lack of such power did not restrain the First Congress from passing an amendment touching that subject.⁵¹

After his re-election, Lincoln, in his annual message of December 8, 1865, urged Congress to take up the amendment again and to press its passage. He said the people had spoken for it, it was sure to pass sooner or later, and the sooner it was done the better. Its passage would add thousands of armed men to the Union cause. When the amendment was brought up on January 11, 1865, it again encountered opposition. On that day, Pendleton returned to the attack and predicted that if the majority of the House forced the final emancipation of the slaves, the South would "liberate and arm its Negroes, and aided by the moral force, if not the material power of Europe, will establish its independence, and your Union President will sign the treaty of dissolution." In the course of his attack, he practically

⁵¹Ibid., June 15, 1864.

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charged Stevens and those who acted with him, with responsibility for the War.⁵² The amendment was passed by the House on January 31, 1865. Stevens had constantly pressed it for passage but had spoken little upon it. After Pendleton's covert charge that Stevens and his anti-slavery associates were responsible for the War, Stevens stated his position. From his earliest youth he was taught to read the Declaration of Independence and to revere its principles. In studying the lives and works of the great men of antiquity, he had found one unanimous denunciation of tyranny and slavery, and eulogy of liberty. His hatred of slavery and his love of liberty were increased as he saw the inspired teachings of Socrates and the divine inspirations of Jesus. Being immovably fixed in these principles, he had, on all occasions, whether in public or private, never hesitated to express those ideas and sentiments. When, fifteen years earlier, he became a member of the House, it was dangerous to talk against slavery, but he had done so. While denouncing the institution, he recognized and bowed to a provision in the Constitution which he always regarded as its only blot. But as to slavery in the territories and the District of Columbia, he and his associates could not hesitate as to what their duty required in excluding it from the free soil of the country and confining it to the spots it already polluted. He claimed the right to denounce slavery at all times and everywhere.

⁵² Ibid., January 13, 1865.

Referring to Pendleton's attempts to ward off attacks on slavery,

Stevens said in conclusion:

"I will be willing to take my chance when we all moulder in the dust. He may have his epitaph written... 'Here rests the ablest and most pertinacious defender of slavery and opponent of liberty!', and I will be satisfied if my epitaph shall be written thus: 'Here lies one who never rose to any eminence, and who only courted the low ambition to have it said that he had striven to ameliorate the condition of the poor, the lowly, the down-trodden of every race and language and color.'"⁵³

⁵³ Ibid., January 13, 1865.

CHAPTER VI. THE WAR AND THE CONSTITUTION

Stevens' policy---Conservative Democrats and
Constitutional Unionists---Congressional and
Executive power---The Union and the Constitu-
tion---Stevens and the laws of war.

CHAPTER VI

THE WAR AND THE CONSTITUTION

Thaddeus Stevens' attitude toward the Constitution, the constitutionality of war measures, and the effect which secession and war had on the constitutional status of the seceded states is of paramount importance in considering his relation to the actual events of this extremely critical period. Its important bearing on his later procedure in reconstruction is evident when one considers the fact that his constitutional opinions after the war were identical with those he held and so vigorously defended during the War. Anti-slavery men were accused of desiring to make the war entirely subservient to abolition of slavery and of being unwilling that the Union should be restored with slavery in its existing status. They were charged with obtruding their opinions everywhere, of being responsible for much opposition to the War, and of division within the Union forces.¹

Many conservative Northerners, especially those who opposed the Republican party and Lincoln's election, considered the anti-slavery point of view a radical departure from the original, legitimate war aims and a perversion of the Constitution. These conservative Democrats and constitutional Unionists, guided by able leaders, formed a united party of opposition. They believed that the sole object of the War was to save the Union and they whole-heartedly accepted the Crittendon Resolutions as their platform.² The war was not to interfere in any way with slavery, and any attempt to

¹Globe, January 23, 1862. Speech of Diven, of New York.

²Ibid., December 6, 1861.

divert the military power of the Government from the sole duty of saving the Union to abolitionism or towards emancipation as a means of saving the Union, was perversion of the object of the War and was unconstitutional. They held that the War must be conducted and ended in a manner which would not impair the equality of the states. There must be neither conquest nor subjugation of states. The rights of states, their governments and their domestic laws must be free from interference. Anyone who attempted by Federal authority to destroy the states or set up any federal authority within them, not allowed in time of peace, was guilty of a high crime against the Union. The constitutional relation of the Southern States to the Union must be recognized as undisturbed and their rights fully maintained.³ This was equivalent to saying that both congressional and executive power must remain the same in time of war as in peace and that rebellion, secession, and war had not caused Congress to have more power within the states, either those of the Confederacy or of the Union. The President's executive orders, proclamations, arbitrary arrests, and military suspension of habeas corpus were to be in accordance with the Constitution as in time of peace.⁴ The slogan of the party was "the Union as it was, the Constitution as it is".

Thaddeus Stevens was unalterably opposed to this party in both its views and its ways. They were a target for his ridicule, satire, invective,

³Ibid., July 31, 1861. Pendleton's Resolutions.

⁴Woodburn, 210, 211. From the view point of this party almost everything that the President and Congress had done, from the President's first call for troops to the surrender at Appomatox, was unconstitutional.

ask a vote of the House on it. Nations do not, correctly speaking, blockade their own ports.... When a blockade is declared, it is a quasi-admission of the independent existence of the people blockaded."⁷

By the blockade and the acknowledgment of European powers, belligerency was recognized; the South had become entitled to all the rights of war and subject to the rules of war. The Constitution no longer had any effect upon them. Stevens asserted that it was idle to contend that the obligations of an instrument are binding on one party while they are repudiated by the other. In order to be binding in war, obligations must be mutual, equally acknowledged, and admitted by all parties. Another universal principle is that "when parties become belligerent, the war between them abrogates all compacts, treaties, and constitutions which may have existed between them before the war commenced."⁸ Thus he announced his legal basis for the conduct of the War. In Stevens' opinion, the people of the Confederate States were rebels who had incurred the penalties of treason under the Constitution, after the success of the war in subduing them; but during the process of the war for their subjection, they were public enemies outside the pale of the Constitution. Those who pleaded that the rebels could not be punished because the Constitution made no provision for such action, were acting in the capacity of counsellors-at-law for the rebels and had no right to plead at all. When asked how members of Congress who had taken an oath to support the Constitution could violate it in their action, whether the rebels complain of it or not, he replied that members

⁷ Ibid., January 7, 1862.

⁸ Ibid., August 5, 1861. Stevens' speech of August 2, 1861.

do not violate their oath when they are operating against men who have no right to the benefits of the Constitution.⁹

Replying to Mr. Mallory, of Kentucky who accused him of urging the passage of a bill¹⁰ which he had apparently admitted to be unconstitutional, Stevens said the bill was constitutional according to the law of nations in time of war. He admitted that, in time of peace, no citizen's property could be confiscated, but declared that in time of war, every measure which will aid in subduing the enemy is justifiable.¹¹ President Lincoln finally adopted this principle in the exercise of his war powers and he announced it a little more than a year later as the basis of his right to make arbitrary arrests and suspend the right of habeas corpus. But Stevens did not hold that the Constitution and the laws might be abrogated and disregarded by executive power in the Northern States where the laws could be peaceably enforced. Stevens' doctrine applied only against those who were making war on the Constitution in an effort to overthrow it. The confiscation which Stevens favored from the beginning did not follow under the Constitution after conviction for treason, but by virtue of the laws of war. He declared that it was not necessary that individual crimes be proved against the owners. "The fact of being a belligerent enemy carries the forfeiture. This might work a hardship on loyal men in the South.

⁹ Ibid.

¹⁰ The Confiscation Act of August 6, 1861.

¹¹ Globe, August 5, 1861.

But to escape the condition of enemies, they must change their domicile and leave the hostile state."¹² Stevens' opponents attempted to restrict him to a theory of the Constitution and of the law as though the war were not a reality, but he consistently maintained that the seceded states were no longer members of the Union. He held that secession constituted an act of armed power which made them a belligerent nation, removed the Confederate States "so far as present operations are concerned" from under the laws of the Nation; and that until those states were conquered, they were still in armed force against the Union.¹³

The Constitution provides that no state shall be divided without its consent.¹⁴ When Virginia seceded from the Union, the people in the western counties of the State, desiring to remain loyal, formed a state government, chose state officers and a state legislature. Senators and Representatives were elected to Congress and were admitted to their seats. The citizens of the newly erected state claimed to be the people of Virginia, constitutionally competent to give the consent of the State to the formation of this state within the borders of the original State of Virginia. No one else had consented to their action in dividing the old state, except the residents of the new state. "Mr. Pierpont, pretending to be the Governor of the state that pretended to be Virginia, moved over

¹²Ibid., January 22, 1864.

¹³Ibid., January 8, 1863.

¹⁴The Constitution of the United States, Article IV, Sec. 111, Par. 1.

to Alexandria and kept up the pretense" of being the Governor of old Virginia.¹⁵ Stevens said, after the war, that the archives, property, and effects of the Pierpont government were taken to Richmond in an ambulance. This was the government recognized during the War as the legitimate, constitutional government of Virginia. Some members of Congress attempted to find ground in the Constitution for the recognition of the Pierpont government and for the method by which Virginia was divided and West Virginia admitted.¹⁶ Stevens considered the proceedings and the arguments based on them both absurd and ridiculous. He opposed giving seats in the House to members from Virginia after the State had seceded from the Union. Because it would weaken the enemy and help the national cause, Stevens was willing that Virginia should be dismembered and the new state admitted. But he recognized only one legal ground for proceeding. He was willing to vote for the admission of West Virginia because he held that the Constitution did not apply to Virginia, a state in arms against the Government of the Union. "We may admit West Virginia," he said, "not by any provisions of the Constitution, but under our absolute power which the laws of war give us. I shall vote for this bill upon that theory and that alone."¹⁷ He insisted that it was folly to say that according to any principle of popular government, a title of the residents of an organized

¹⁵ Woodburn, 221.

¹⁶ Globe, December 6, 1861.

¹⁷ Ibid., December 9, 1862.

state can change its form and carry on government because they are more loyal.¹⁸

Francis P. Blair, of Missouri, in arraignment of Stevens' position, contended that statehood in the South could not be destroyed. He claimed that the Confederate States were merely under duress; that they were like Missouri, whose territory had been over-run by rebel armies, but whose state organization, with the majority of votes and the coercive power behind it, had remained loyal to the Union. Stevens replied, vigorously, saying if armies of the Confederate States should overrun a loyal state and hold it in duress, the state would have a right to appeal to the Constitution for protection. But a state which by a free majority of its voters has thrown off its allegiance to the Constitution, and holds itself in duress by its own armies, could claim no protection under the Constitution.¹⁹

On May 2, 1864, Stevens expressed his satisfaction that the House had recently passed a resolution recognizing that the war had been caused by "a wicked and wholly unjustifiable rebellion and those who engaged in aiding or encouraging it are public enemies and should be treated as such." He had realized that in proclaiming the doctrine that the Constitution was suspended by the fact of war, his position had been too radical

¹⁸Ibid., January 22, 1864.

¹⁹Ibid., May 2, 1864. Stevens assumed this position when he was called on to meet the problem of war, and maintained it when he had to meet the problem of reconstruction.

even for his own party. But he had persistently stood for a doctrine which he believed was the only sound position on which the war could be successfully conducted, and which, as he predicted, his colleagues, and others who desired perpetuation of the Union, would eventually find it necessary to adopt. Now he had the satisfaction of seeing his prediction fulfilled. A year earlier, he had told his party associates that he was merely going a few steps ahead of them in this matter; that he had never been so far ahead, with the exception of the principles he was then enunciating, but that the members of the party had overtaken him and gone ahead; "and," said he, "they will overtake me again and go with me before this bloody rebellion is ended."²⁰ The London Times, November 12, 1862, published an article which held that all of Lincoln's acts, in committing arbitrary arrests, in emancipating the slaves, in declaring a blockade of Southern ports--these, and many others, were excusable on one ground alone, and that ground the Democrats rejected and the Republicans lacked courage to stand upon, namely, that the states of the South were an alien enemy, and citizens of the United States who aided and abetted them were "amenable to the customs and usages of all governments toward treasonable subjects." But the Times did not state that one Republican leader, Thaddeus Stevens, had taken that ground on which, alone, the war powers exercised by President Lincoln could be defended or justified.

²⁰ Ibid. He was right. Both Congress and the entire North had adopted his views. The object of the war was to subdue the Rebellion. Any means which would be wise and effective in promoting that end were justifiable, provided they were not contrary to the laws of war and humanity.

From the outbreak of the War, Stevens realized how utterly futile was any attempt to reconcile the usages of martial law with the principles of the Constitution. His doctrine was that the seceded states were, first and last, outside the pale of the Constitution. He contended that "there can be no mixed reign of the laws of war and the Constitution."²¹ While this doctrine was finally accepted for war purposes by all sections of the war party who sincerely desired a successful outcome of the War, when it came to a question of amending the Constitution or of reconstructing the Union, an effort was made to apply the Constitution in states where secession and war had abrogated it. The President and many of the Union party possessed the idea that with reference to certain civil and constitutional rights and privileges, the Confederate States were to be treated as though secession and war had not occurred. Twenty-seven states were necessary to ratify the thirteenth amendment. There were nineteen free states. The Administration acted as though it were necessary to the validity of the amendment that consent of a number of Confederate states be obtained.²² Thaddeus Stevens held that the states that had rejected the Constitution and were making war upon it were no part of the amending power; there was no more cause for consulting them than for consulting the German Empire. The national power might rightfully be asserted over them, but from the point of view of their

²¹Stevens' Speech at Lancaster, Pennsylvania, 1863.

²²The eight Confederate States that were finally counted for ratification of the amendment were those that were set up by the military power of Lincoln and Johnson. Nevada was admitted to the Union in order to secure the necessary twenty-seven states.

rights and privileges or of their powers in the Union, they were non-existent as states. They should not have been consulted; three-fourths of the states loyal to the Union and represented in Congress were sufficient to ratify and legalize the new amendment. Stevens considered the Constitution as a means, not an end. He insisted that it be kept out of the way of the Nation in its struggle for life. A year before the War ended and before the thirteenth amendment was passed, he said:

"I have lived to see the triumph of principles, which, although I had full faith in their ultimate success, I did not expect to witness. If Providence will spare me a little longer, until this Government shall be so reconstructed that the foot of a slave can never again tread upon the soil of the Republic, I shall be content to accept any lot that may await me."²³

²³Globe, May 2, 1864.

CHAPTER VII. WAYS AND MEANS

The Committee---Financial Conditions
---Loan Bill---Chases's suggestion---
Legal Tender---Alternatives---Bankers'
plan---Stevens' Speech---Passage of Act.

CHAPTER VII

WAYS AND MEANS

Thaddeus Stevens was prominently considered for the position of Attorney-General when Abraham Lincoln, as President-elect, was engaged in making up his Cabinet. Simon Cameron also of Pennsylvania was a candidate for a Cabinet appointment and when Lincoln selected Cameron as the head of the War department, Stevens' ambition was disappointed. He was not pleased at being set aside for a man with whom he was not friendly, but later events proved that he was destined to play a larger role in the course of the War than he would have done as Attorney-General.¹ On July 4, 1861, the new Congress² met in extraordinary session at the call of the President Lincoln. Stevens became the recognized leader of the House on the floor, as Chairman of the Committee on Ways and Means. At that time, this committee performed the combined functions now belonging to the two most important committees of the House, the Committee on Ways and Means and the Committee on Appropriations. This committee had the burden and duties of providing the funds with which the War was to be carried on and for appropriating these funds to the various needs. To it were referred all measures of Public finance, all appropriations for the

¹James G. Blaine, Twenty Years of Congress (Norwich Conn., 1884-86), I, 286. In his disappointment, Stevens made some caustic criticism of the Cabinet, by saying it was composed of an assortment of rivals appointed from courtesy, one stump speaker from Indiana and two representatives of the Blair family.

²The Thirty-Seventh.

army and navy and for all departments of the Government, as well as all the tax bills, loan bills and coinage bills. No committee of the House was ever faced with a greater amount of work and responsibility.³

Taxation, loans, currency, and banking form the chief divisions of the financial history of the Civil War. Loans and currency were the subjects of greatest controversy and Stevens was actively associated with both of these sections of the Nation's finances. The national debt increased rapidly. On July 1, 1860, the debt was about \$4,000,000; two years later, it was \$524,000,000; within three years, it was \$1,000,000,000; within four years it was \$1,800,000,000; and by August 13, 1865, it stood at the enormous aggregate of \$2,845,000,000. The cost of the war was scarcely at any time under \$30,000,000 a month; at times it was as high as \$90,000,000, and in the average for the four years of the War, it was \$60,000,000 a month or about \$2,000,000 a day. During the fiscal years 1863 to 1865, the expenditures of the Government were more than the entire expenditures of the National Government from the foundation of the Nation to the out break of the Civil War. In the space of four years, it was necessary for the Government to increase its revenue by loans and taxes from \$65,000,000, to \$960,000,000.⁴ By the end of the War, the annual

³Woodburn, 239, 240.

⁴Ibid., 241. Cited from D.C. Adams, Public Finance, 535. During the last year of the War, the Government raised more than \$1,000,000,000; half by loans and half by taxes, "one of the greatest achievements in finance that history records." E.H. Derby, Atlantic Monthly, October 1868.

Interest on the debt, for which provision had to be made in annual revenue, was \$150,000,000, an amount almost twice as large as the whole national debt when Alexander Hamilton struggled with the problem of establishing the credit of the United States.⁵

When Lincoln became President, the treasury was practically empty and credit was seriously impaired. At the time that Congress met in extra session, there was not enough money in the treasury to pay the members. Secretary Salmon P. Chase submitted a financial plan. His proposition was to raise from taxes only enough to pay the interest on the public debt and the ordinary expenses of the Government as in time of peace. No war taxes were proposed; the extra expenses of the War were to be met by loans. Mr. Chase estimated that \$320,000,000 would be sufficient for the ensuing fiscal year, only \$80,000,000, of which would be secured through taxation. On July 17, Stevens' committee reported a Loan bill which authorized the Secretary to borrow \$250,000,000. The bill was passed by the House within one hour.⁶ The Secretary appealed to the associated banks of New York, Boston and Philadelphia for loans and an arrangement was quickly made by which the banks were to immediately advance the treasury \$50,000,000 in exchange for treasury notes bearing 7.3 per cent interest, running for three years. The banks were given the option of taking a second \$50,000,000 of the loan by October 15, and a third

⁵Woodburn, 242, Cited from Adams, Publications, 535.

⁶Globe, July 18, 1861.

\$50,000,000 by December 15. At the time that the loan was arranged for, the banks had on hand a specie reserve of only \$63,000,000, but they had hoped to replenish their coin reserve by selling government securities to the public for cash and by revenues due to the Government purchase of war supplies. The success of the plan depended on mutual confidence among the people, the banks, and the Government. When the banks came to take the third loan installment of \$50,000,000 Mr. Chase was forced to substitute for short time treasury notes, 6 per cent bonds at a discount of more than 10 per cent, which resulted in less than \$45,000,000 being realized on the \$50,000,000 loan. It soon became apparent that it was only a question of time when specie payment would have to be suspended.

In his first annual report in December 1861, the Secretary still failed to propose adequate war taxation. He seemed to be under the impression that the War would end soon and that temporary provisions might be relied on. The situation was alarming.⁷ The banks were unable to sell the government securities; the public not only failed to deposit coin in the banks but withdrew deposits to an extent which aroused apprehension as to the consequences. On December 30, 1861, the banks suspended specie payments and by January 1, 1862, the fiscal system established between the treasury and the banks had collapsed. Secretary Chase apparently knew neither what to do nor which way to turn. There seemed much truth in the

⁷In addition to the National financial troubles, the Trent affair had caused strained relations with England and war with that country was threatened. Globe, December 26, 1861.

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statement made by Senator Fessenden, from Maine, that "nobody knew much about the question of finance."⁸ Stevens and his committee, with the Finance Committee of the Senate headed by Fessenden, now took the lead in directing the Nation's financial policy. Stevens recognized, as he said in the debate that followed, that he was poorly "qualified for such work."⁹ But he and his associates earnestly considered the situation, sought advice from those who appeared to be best qualified to give assistance, and acted in accordance with the information and help thus received. They faced a situation that would not permit delay, and speedily resolved upon a policy that marked a turning point and has become notable in American history. The policy did not result in what Stevens wanted and sought to obtain, but in a compromise outcome known as the Legal Tender Act. This Act of February 25, 1862 authorized a loan of \$500,000,000 of 6 per cent twenty-year bonds known as the Five-Twenties, due in twenty years and payable in five. It provided for the issue of \$150,000,000 of treasury notes, known as greenbacks, which were to be exchangeable for the bonds and made a legal tender for all debts, public and private, except interest on the public debt and customs dues.¹⁰ This legislation aroused great controversy and

⁸Globe, February 12, 1862. Fessenden also asserted that in the whole number of learned financial men whom he had consulted, he had not found any two of them who agreed.

⁹Ibid., January 7, 1862.

¹⁰Ibid., February 27, 1862.

the present time, after the lapse of almost eighty years, there is still a marked difference of opinion as to its merits.

In his December report, Secretary Chase suggested a national banking system which would require all banks to purchase United States stocks to hold as security for their circulation notes.¹¹ From this proposal, the national banking system emerged two years later. The work of the Ways and Means Committee grew to such proportions that it seemed best to divide the labor between two groups in the committee. Thaddeus Stevens, the chairman of the committee, devoted his attention chiefly to the preparation and pushing of the many appropriation bills, which required a great expenditure of time and energy; Justin S. Morrill, of Vermont, was made chairman of a sub-committee whose duty was to frame taxation; and Eldridge G. Spaulding of New York, became chairman of a sub-committee to consider matters of currency and loans.¹¹ Secretary Chase's currency scheme was submitted to this sub-committee and it began to draft a bill for a national currency. When the New York banks suspended specie payments on December 28, 1861, the country was left with no other currency than the notes of sixteen hundred suspended banks,--notes which varied widely in value. Under the sub-treasury law, these notes could not be legally accepted and paid out by the federal treasury. The new banking system would not be put into operation for months or perhaps longer. Adequate tax bills could not be passed and begin to produce revenues for an equal length of time, and internal taxes could not

¹¹Samuel Hooper, a wealthy, retired merchant of Boston, and Erastus Corning, a New York millionaire Democratic opponent of the war administration, were Spaulding's co-workers on this committee.

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a temporary issue of the treasury notes seemed the only way to get along until the Tax bill could be prepared.¹⁵ It was apparently necessary that government notes of some kind had to be issued and the question was simply whether they should be short-time interest-bearing notes offered for investments or non-interest-bearing notes that could be used by the Government and the people for all the purposes of money. Stevens and his committee decided upon the latter and Secretary Chase was in harmony with their decision. Chase was reluctant to accept the provision which made United States notes a legal tender, but in consequence of the large expenditures caused by the War, and the suspension of the banks, he recognized the fact that it was the only recourse. He urged that there should be no discrimination in the legal tender provisions and that all citizens be put upon the same level as to rights and duties.¹⁶

There were two alternatives which the Government might have chosen rather than the legal tender notes. It could have issued interest-bearing bonds and notes and have sold these securities for what they would bring in gold, and thus borrow money with which to pay the expenses of the Nation. This plan would have involved the conduct of the War and all the business of the country upon a specie basis. Many contended that the national honor and good faith required such a policy. But advocates of this plan could

¹⁵E.G. Spaulding, History of the Legal-Tender Money Issued During the Great Rebellion (Buffalo, 1869), 17,18; W.C. Mitchell, A History of the Greenbacks, 1862-1865 (Chicago 1903), 47.

¹⁶John Sherman, Recollections of Forty Years in the House, Senate, and Cabinet (Chicago, 1895), 220.

not show that a sufficient amount of gold would be realized. They held that if the treasury demanded gold and offered its bonds in sufficient terms, a necessary supply would follow.¹⁷ But they had no proof that such would be the case. The alternative policy involved a plan to be independent of gold, to abandon specie as money, to use the "sovereign-power of the Nation to create a currency of its own, one which the Government would accept for taxes, take in exchange for bonds, use in its payments, and which all the people could use for all their exchanges, debts, and taxes. Stevens favored this latter alternative which entailed the abandonment of gold and abandonment of paper currency issued by banks that had shown inability to redeem their promises at their face value in gold. He favored the establishment of a uniform, nation-wide currency for all, one issued directly by the United States Government without the mediation of banks, a currency which would serve as money for the people. It would be neither a commodity of foreign commerce, nor an article of export. It would be interchangeable with six per cent United States bonds, based upon the good faith of the people. Note-holders and bond-holders, as creditors of the Government, would be directly interested in maintaining the national unity, prosperity, and good faith, and the interests of the people would prove a guarantee against excessive issues of currency.¹⁸ Stevens, however, clung to the idea that gold and silver were to be looked to as a basis for future money.

¹⁷Woodburn 254. Cited from a pamphlet on "National Currency" by Eleazer Lord, published by A.D. Randolph, New York, 1863.

¹⁸Ibid., 258. Cited from Lord, "National Currency."

Resumption of specie payment was still in his mind.¹⁹

When the plan of the committee to issue legal tender became generally known, bankers who were opposed to the measure, came to Washington and endeavored to persuade Secretary Chase and the Committee that a better remedy than paper money could be found for the situation. Through their spokesman, James Gallatin, President of the Gallatin Bank of New York, they proposed the sale of long time bonds at the market price, accompanied by heavy taxation. This plan also involved the retirement of the demand notes, the issue of \$100,000,000 of interest-bearing notes, and the suspension of the sub-treasury act, so as to permit the banks to become the depositories of the government funds. The Government should borrow this money, as best it could, through the banks. In short, the plan provided that the banks were to be the sole agents of the Government throughout the crisis and would supply a medium to be used as money, without any guarantee of its uniformity or stability. Stevens utterly refused to consider the plan, though he was denounced as stupid and ignorant because he refused to advise his committee and the House to accept it. The Secretary and the committee rejected the alternative which the bankers proposed and, in accordance with the advice of Mr. Chase, a provision was added to the bill permitting the exchange of the legal tender notes for 6 per cent, twenty-year bonds, and authorizing the treasury to issue \$500,000,000 of these bonds. The House began debate on the Legal Tender Act on January 28, 1862²⁰ and, after

¹⁹Globe, February 7, 1862.

²⁰Ibid., January 29, 1862.

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four weeks of discussion, the bill became a law on February 25,²¹ But the Senate had attached such amendments to it that Stevens and his committee disclaimed all responsibility for its results.

Stevens made a speech on February 6, 1862, in which he set forth the merits of the various arguments and issues involved. His opening statement made his position clear in regard to proposing the original bill. He said:

"This bill is a measure of necessity, not choice. No one would willingly issue paper currency not redeemable on demand and make it legal tender. It is never desirable to depart from that circulating medium which, by the common consent of civilized nations, forms the standard of value. But it is not a fearful measure; and when rendered necessary by exigencies, it ought to produce no alarm."

He anticipated a treasury need to the end of the fiscal year 1863, of \$1,000,000,000, with a corresponding increase of the public debt. The Secretary had not been able to negotiate the loans already authorized. Whence was the necessary money to come? The whole benefit of the bank-currency plan would accrue to the banks. The security of the Government was as good as that of the banks and would give as much currency. If the United States Government issued these notes, the benefit would accrue to the people. The Government's issue would be equal to a loan without interest to the full amount of circulation. He held to the legal tender clause and he preferred greenbacks to the bank notes under the Secretary's bank currency plan.

²¹Ibid., February 27, 1862.

As to the argument advanced by opposers that the power to issue legal tender notes was nowhere expressly granted to Congress, he said that everything necessary to carry out the granted powers is clearly implied. If nothing could be done by Congress except what is enumerated, the Government could not live a week. The Supreme Court had settled the principle upon which the bill was based, that when anything is necessary to carry into effect the granted power, it is constitutional.²² The final test of constitutionality was in the end sought; the discretion of Congress was absolute and sovereign as to the means employed. He expected the notes to be issued in limited quantities and relied upon the limitation of that issue as the chief factor in keeping the notes at par with gold. He believed that the value of the notes would depend upon two factors: in the first place, the notes should be made to perform all the functions of money; every one might use them to that end and the Government would do likewise; and in the second place, the value would depend upon the quantity issued as compared with the business of the country.

The notes that Stevens proposed were not those that were issued. He favored full legal tender money, limited in amount, and convertible into interest-bearing bonds and he expected the bonds to be redeemable in gold in twenty years. The national paper currency that he proposed was not given a trial. In conclusion, Stevens expressed the hope that the bill would pass, but not without the legal tender clause. If it passed, he would

²²Stevens took the ground that Hamilton had held in his famous opinion given to Washington when he advocated the validity of the First United States Bank, and the one which John Marshall later affirmed in the case of McCulloch versus Maryland.

consider it the most auspicious measure of that Congress; if it failed to pass, the result would be more deplorable than any disaster that could befall the Nation.²³

The bill passed the House as he wished, with no exception clause, but the Senate amendments were calculated to defeat its main objects. One very objectional amendment provided that the greenbacks might be deposited at the sub-treasury for notes bearing 7.3 per cent and payable in two years. Another equally as objectionable one was that the bonds should be paid in coin and that in order to secure the coin, the Secretary of the Treasury should sell the bonds for what they would bring.²⁴ Stevens preferred to abandon the whole legal tender feature of the bill rather than accept the pernicious amendments.²⁵ The House agreed to the Senate amendment providing for the payment of bond interest in coin, but disagreed with some of the other amendments. The outcome of a conference committee between the two houses (in which Fessenden, Sherman, and Carlisle represented the Senate and Stevens, Sedgewick, and Horton represented the House) was an agreement to resort to custom dues instead of bond sales as a means of securing the coin for interest.²⁶ The bill then passed providing for the issue of

²³Globe, February 7, 1862.

²⁴Ibid., February 20, 1862.

²⁵Ibid., February 25, 1862. Senator Henry Wilson, of Massachusetts, said in the Senate, that not a thousand people in his State opposed the legal tender clause; that 99 in 100 of the loyal people favored it; and that the sentiment of the Nation approached unanimity in its favor. Globe, February 13, 1862.

²⁶Ibid., February 20, 1862.

\$150,000,000 of legal tender treasury notes with the exception clauses; stipulating that custom dues and the Government's interest payments should be in coin; that these notes might be exchanged for bonds at 6 per cent or deposited on interest at 5 per cent, and the issue of \$500,000,000 five-twenty bonds was authorized.²⁷

Stevens openly asserted that the notes, as they were made by the Senate amendments would not be funded into bonds. He declared that he did not expect one dollar of the \$150,000,000 of legal tender notes ever to be invested in the twenty-year bonds, as no bonds would be sold until the currency became much inflated. All classes were required to take these notes, unless they had money enough to buy the United States bonds.²⁸

A year later he called attention to the fact that only \$23,000,000 of bonds had been sold since the passage of the law.²⁹ It has been repeatedly asserted that the passage of the Legal Tender Act caused the cost of the War to be greatly increased. The unnecessary cost caused by the use of depreciated currency has been estimated at \$870,000,000.³⁰ A considerable amount of this increased expense came directly from the mutilation of the

²⁷Ibid., February 25, 1862. There were two subsequent issues of greenbacks in July 1862 and March 1863. These increased the amount of the greenback currency to the final total of \$450,000,000.

²⁸Ibid., February 20, 1862.

²⁹Ibid., January 20, 1863.

³⁰Rhodes, III, 566, 567.

greenbacks by the "sound money" men who prevented them (the greenbacks) from being received for all forms of taxes, duties, and debts.³¹ In a financial discussion in the House, February 28, 1865, Stevens attributed most of the trouble which had arisen from high prices, the enormous expense of the War, and the constant fluctuation in the market to the discrimination which created two kinds of currency. He considered the struggle over a national currency as a contest between Privilege and Democracy.³²

³¹ Woodburn, 286.

³² Ibid., 291.

CHAPTER VIII. RECONSTRUCTION DURING THE WAR

Plans---Lincoln's Plan---Wade-Davis Bill---
Pendelton's attack---Stevens' attitude---
Presidential action.

CHAPTER VIII

RECONSTRUCTION DURING THE WAR

Soon after the capture of New Orleans by the Federal Forces in April 1862, Union men, under the protection of the army began to form associations to develop loyal sentiment in the State. There were two parties of opinion as to how a Union state government should be restored. One desired an election under the old Constitution of 1852, on the ground that the act of secession and the Constitution of 1861 were void. The others wished to hold a constitutional convention, recognize the abolition of slavery, and form a new constitution. General George F. Shepley, who had been mayor of New Orleans under the military administration of General Benjamin Butler, was appointed by President Lincoln as Military Governor of Louisiana in August, 1862. This was the first movement toward the Restoration of Federal government in that State and the first action in any attempt at reconstruction. In December 1862, General Shepley ordered an election for Congress in the districts under his jurisdiction. The President cautioned him against the choice of Northern men and Messrs. Hahn and Flanders, citizens of Louisiana, were elected. They were admitted to their seats on February 9, 1863.¹

Mr. Lincoln was anxious to avoid the inconveniences resulting from

¹The fact that they were seated is evidence that, at that time, Congress was disposed to encourage any easy restoration of the seceded states and to recognize a body of loyal citizens in Louisiana as the State, provided they would act in harmony with the Federal Government.

... military occupation. He said that the people of Louisiana should take their place in the Union upon the old terms."² Those people who wished protection of person and property should reinaugurate the national authority and establish a state government under the Constitution. He promised that the Army would be withdrawn when the state government no longer needed its protection, and the people could then govern themselves upon the old constitutional terms.³ Nothing more was done with reconstruction in Louisiana until December, 1863. Then the President made known his plan of reconstruction in his message to Congress⁴ and in his accompanying proclamation of December 8, 1863. In his proclamation, he offered full pardon (with excepted classes) for those who participated in the rebellion and restoration of all property except slaves, upon condition that every one pardoned should take an oath to faithfully support, protect, and defend the Constitution of the United States, and to abide by all laws and proclamations of the Federal Government made during the Rebellion, having reference to slaves, except as those laws were modified or declared void by the Supreme Court. Amnesty did not apply to civil and diplomatic officers of the Confederate States, military and naval officers of those states above the rank of Colonel, persons who left the judicial, congressional, or military service of the United States to

² Abraham Lincoln, Complete Works (New York, 1905). VII, 292-294. Letter to Reverdy Johnson, July 26, 1862.

³ Ibid., VII, 294-298. Letter to Bullett, July 28, 1862.

⁴ Globe, December 15, 1863. Appendix.

add the confederacy; and all who had treated Negroes, or white persons in charge of them, otherwise than lawfully as prisoners of war.

The President also proclaimed that whenever in any one of the insurrectionary states, voters numbering not less than one-tenth of the votes cast in that state at the presidential election of 1860, should establish a republican state government, it would be recognized as the true state government and would receive the benefit of the guarantee clause of the Constitution, as far as it gave him power to guarantee each state's republican form of government. The state was also promised protection against invasion and violence. Provisions adopted by such state governments concerning free men, which should recognize their permanent freedom, would not be objected to by the National Government. Subject only to these modifications, the newly constructed loyal state government was to be as it had been before the Rebellion, in name, boundary, sub-divisions, constitution and its general code of laws. It was recognized that whether members sent to Congress from any state would be admitted to seats, rested exclusively with the two houses and not with the Executive. This proclamation was intended to be to the people of the rebellious states a method by which the national authority and the loyal state governments might be reestablished; and while the mode was the best that the Executive could suggest "with his present impressions, it must not be understood that no other possible mode would be acceptable."

In his annual message of December 8, 1861, Mr. Lincoln asserted that nothing was contained in his proclamation that was not amply justified by

the Constitution. Recognizing the difficulty, and almost absurdity, of guaranteeing and protecting a revived state government, constructed from the very elements of violence and hostility from which it was to be protected, he said there must be a test "by which to separate the opposing elements, so as to build only from the sound." As a test for the recognition of statehood and restoration to the Union, the President felt that he had a right to require not only an oath of allegiance to the Constitution and the Union, but also to the laws and proclamations in regard to slavery. Since these had been of aid in suppressing the Rebellion; there must be a pledge that they would be maintained. He firmly refused to retract or modify the Emancipation Proclamation. Support of the laws and proclamations should be included in the oath; and the President contended that he had a right to claim this support in return for pardon and restoration of rights which had been forfeited, and which he had constitutional power to withhold altogether or grant upon terms which he thought wisest for the public interest. He considered this part of the oath subject to modification by legislation or judicial decision. Referring to Negroes in the Union service, he stated that fully one hundred thousand of those who were slaves at the beginning of the Rebellion were employed in the United States military service and about one-half of them were actually bearing arms in the ranks; thus taking labor from the insurgents and affording strength to the Union cause. So far as tested, it was difficult to say that they were not as good soldiers as any. Mr. Lincoln said he issued his proclamation at this time because there seemed to be elements in some

states ready for resumption and which remained inactive apparently for lack of a plan of action. In the proclamation a plan was presented which might be accepted as a rallying point and which they were assured in advance that he would accept.⁵

The President believed that a majority of the people in the seceded states were really in favor of the Union and he was eager to encourage them to rally around an accepted standard, in order that they might use their influence more effectively for restoration of the Federal authority. In pursuance of Mr. Lincoln's policy a Free State Convention was held in New Orleans on January 8, 1864 and the Emancipation Proclamation was accepted as the basis of its action. General Banks, the military commander, by a proclamation issued January 11, 1865, set February 22 as the date for an election for state officers and March 4 for their installation. He recognized the State Constitution of 1852 as still in force and held the act of secession and the Constitution of 1861 as void. No election was held for members of the legislature as only one-third of the State was within Union lines, the only place that an election could be held, and there were not enough counties and constituencies in that area to elect a majority of the Legislature. Michael Hahn was elected Governor and was installed on March 4, 1865. On March 15, 1864, the President recognized Hahn as Governor of Louisiana, "invested until further orders with powers

⁵Ibid., Lincoln's Message.

exercised hitherto by the Military Governor of Louisiana."⁶

The state convention which met in April 1864, completed Lincoln's plan of reconstruction. By a vote of seventy to sixteen, it declared slavery to be forever abolished within the State. Though suffrage was restricted to white males above the age of twenty-one, the Legislature was given power to confer the voting privilege on Negroes, as suggested by the President. But every one knew that this reconstructed government could not be maintained without the military support of the Nation.⁷ In Arkansas, similar action was taken in the spring of 1864, and a Union man Isaac Murphy, became Governor, an anti-slavery constitution was adopted, a government installed, and Senators and Representatives elected to Congress. The President hoped to put this plan in operation in other states as rapidly as circumstances would permit.

In Congress, however, the Democrats denounced his action as usurpation and as a violation of the Constitution. Representative Holman, of Indiana, made a lengthy speech in the House on March 12, 1864. This speech was typical of the sentiments expressed by the Democrats. Holman declared that the only oath the President had a right to impose on the people of Louisiana was one to support the Constitution. Lincoln would rebuild his republican states on loyalty to proclamations, not the Constitution. Were

⁶Blaine, II, 39, 40.

In speaking with the Governor concerning a state convention for the formation of a constitution and the defining of the elective franchise, the President suggested "for your private consideration, whether some of the colored people may not be let in, as for instance, the very intelligent and especially those who have fought gallantly in our ranks." This was one of the first official suggestions of Negro suffrage.

⁷Lincoln, Works, II, 597.

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state governments founded on one-tenth of the people and dictated by the President the kind of republican states that were to perpetuate the Union? Mr. Lincoln had exceeded the powers granted him.⁸ Democrats would adhere to their slogan, "The Union as it was, the Constitution as it is." On the other hand, the radical anti-slavery men in Congress accused the President of requiring too little. They also held that he had exceeded his powers in presuming, without consent of Congress, to establish civil governments in conquered territory, in reorganizing states there, and in laying down conditions on which they might be restored to the Union. When the Senators from Arkansas came to claim their seats, it was evident that the majority of the Senate did not approve of the ten per cent plan. On May 27, 1864, Charles Sumner, of Massachusetts, offered a resolution that a state "pretending to secede from the Union and battling against the general Government to maintain that position, must be regarded as a rebel state subject to military occupation and without representation on this floor until it has been readmitted by a vote of both houses of Congress."⁹ The Arkansas Senators were not seated. Both houses of Congress took this position.¹⁰

In the House, Thaddeus Stevens was outspoken in his views and determined in his actions. When the Thirty-eighth Congress opened on December 7, 1863, even before the House was organized, while the Clerk was still presiding, Stevens called for the credentials "of the persons claiming to be

⁸Globe, March 14, 1864.

⁹Ibid., May 28, 1864.

¹⁰Subsequently, Congress took this position toward President Johnson.

representatives of the so-called state of Louisiana." When the credentials had been read, he offered a resolution that the names of the members from Louisiana be stricken from the roll of the House. The resolution was objected to on a point of order. When the Clerk sustained the point, Stevens withdrew his motion, apparently satisfied with having protested against recognition, even by silence, of the State of Louisiana.¹¹ In his speech of January 22, 1864,¹² Stevens had spoken at length on the status of the seceded states. He again expressed his opinion concerning the Constitution and the laws of the Union and asserted that the law of the nations alone would limit the conqueror in determining the conditions to be imposed as the basis of a restored Union. As opposed to this policy, he described the confusing theory that the seceded states were still in the Union from which they had withdrawn, and that they were still entitled to the protection of the Constitution and the laws. He thought that a decision between these two views was of utmost importance to the outcome of the War and to the future of the country. He was not satisfied with the mixture of military and civil processes in Lincoln's procedure. Stevens had no objections to Lincoln's acts if they were the acts of a military conqueror, but he had serious objections if what the President had done was to be judged from the point of view of his functions as a civil ruler, as President of the United States. He acknowledged that when he expressed his views in the extra-session of 1861, neither house of Congress was willing to accept them.

¹¹Globe, December 9, 1863.

¹²Referred to previously.

Now, however, the President's plan was an endorsement of those views and Stevens sought to show that only on the basis of the doctrine expressed in those views could any successful plan of reconstruction be carried out. He admitted that in details, the president and he might not agree, but Lincoln's plan of reconstruction assumed the same general grounds. The plan was wholly outside the Constitution and treated the rebel territory as a conqueror would. But it was within the province of the laws of war. The President's legal mind had reached a just conclusion. The President might not strike as direct a blow against this Babel as some impetuous gentlemen would desire, "but with his usual shrewdness and caution, he is picking out the mortar from the joints until, eventually, the whole tower will fall."¹³

On December 19, 1863, on motion of Henry Winter Davis, Representative from Maryland, that part of the President's message which related to "the duty of the United States to guarantee a republican form of government to the states in which the governments recognized by the United States have been abrogated or overthrown," was referred to a select committee of nine to be named by the Speaker, which was to report the bills necessary for the execution of that guarantee.¹⁴ Davis purposed that Congress should see to it when armed rebellion had ceased, that the restored governments should be republican in form.¹⁵ On February 15, 1864, Mr. Davis, who was chairman

¹³Globe, January 22, 1864.

¹⁴Ibid., December 19, 1863.

¹⁵Ibid., February 16, 1864. The bill was entitled "A bill to guarantee to certain states whose governments have been usurped or overthrown, a republican form of government."

of this special committee, introduced a bill in the House to carry out this purpose. The bill came up for discussion in the House on March 22, 1864.¹⁶ After the bill passed in the House, it was managed in the Senate by Benjamin Wade, of Ohio, and became known as the Wade-Davis Plan of Reconstruction. It was in reality a Congressional counter plan to the one put forth by the President. Under the Wade-Davis plan, the following provisions were made:

1. Provisional Governors were to be appointed by the President. As soon as a military resistance ceased, these Governors were to enroll white citizens and submit to each voter an oath to support the Constitution.
2. When a majority of these voters should take the oath of allegiance, the Governor was to order an election of delegates to a constitutional convention.¹⁷
3. The convention was to declare for the people of the state their submission to the Constitution of the United States, and to involve three provisions in their organic law.

First, no one who had held an important office in the Confederate government or a military office as high as the rank of Colonel, should be allowed to vote for, or be a member of, the Legislature, or to vote for or be elected Governor; second, slavery should be forever prohibited and freedom of all persons guaranteed; third, no debt, state or Confederate, created in aid of the Rebellion should ever be paid.

¹⁶Ibid., March 24, 1864.

¹⁷Ibid., May 4, 1864. In the original draft of the bill, one tenth of the voters were required to take the oath before an election of delegates to a convention might be held, but opposition and pressure forced Mr. Davis to accept an amendment which required a majority.

4. When the new state constitution had been thus framed and had been adopted by a majority of the enrolled voters, the Provisional Government should notify the President, and the President, after obtaining the assent of Congress, would recognize, the state government as the legitimate and constitutional government. Under this government, the people might choose Senators and Representatives to Congress.

5. The bill abolished slavery at once in all the rebellious states and imposed penalties for the violation of this provision.¹⁸

This plan differed essentially from Lincoln's in three respects.

It claimed that reconstruction was a legislative problem and not an executive one; it required the loyalty of a majority of the adult whites instead of one-tenth; and it asserted the powers of Congress to abolish slavery within the seceded states, thus dealing with those states not as states of the Union, but as though they were districts or territories under control of the Federal Government. Mr. Davis claimed support of the bill from all who considered slavery the cause of the Rebellion, from all who held that secession had placed those states beyond the protection of the Constitution and that Congress had supreme power over them as a conquered enemy, and from all who sought to insure freedom and peace. He claimed that the power to establish republican government in the states rested only with Congress. The secession governments did not recognize the Constitution of the United States and the Constitution, therefore, could not recognize them. All semblance of government in the rebellious states must be overthrown. Until Congress should recognize

¹⁸Ibid., March 24, 1864.

a state government, organized under its auspices, there was no government in the rebellious states except the authority of Congress. Mr. Davis denounced the President's ten per cent plan. "One tenth cannot control nine-tenths." The President's plan was one of "doubtful existence half civil and half military; neither a temporary government of law by Congress nor a state government; something as unknown to the Constitution as the rebel government that refuses to recognize it." The President's proclamation to which an oath of allegiance is required, declared that certain Negroes were to be recognized as free, while others remain slaves. If left to their choice, Southern people will maintain slavery; if required to give it up as a condition which must precede restoration, they will abandon it. Congress should reorganize the governments in the seceded states, impose conditions it deems necessary, refuse recognition to governments which fail to prohibit slavery forever, declare that the safety of the people of the United States is the supreme Law, and that Congress is the body authorized to express that will.¹⁹

Mr. Davis' doctrine denied the restoration theory which the Democrats advanced, but failed to distinctly affirm, as Thaddeus Stevens' did, that the seceded states were out of the Union. If Stevens' position were admitted, the various bodies of opinion in Congress would then agree that the states must be reorganized, re-admitted, and that Congress alone could exercise such powers.²⁰ As they had opposed the President's plan,

¹⁹ Ibid., 38 Cong., 1 sess., Appendix. Henry Winter Davis' speech in the House, March 22, 1864.

²⁰ Ibid., March 14, 1864. Speech of William H. Holman in the House, March 12, 1864.

the Democrats now opposed the Wade-Davis plan, and Pendelton, of Ohio, on May 4, 1864, expressed their views in a forceful speech. He asserted that the Republicans had at last thrown off their mask and had acknowledged the purpose of their party in this bill. The purpose of the Republican party, he said, was to destroy the Government, "to change its form and spirit, to make a new Union, ingrafted with new principles, new theories and new powers. Those who support the bill declare themselves revolutionists. "If this be the alternative of secession, I prefer that secession should succeed."²¹ Stevens repudiated and despised the Democratic views expressed by Pendelton. He could not understand how sane men could defend the impractical idea that the Constitution applied alike to the states that had repudiated it and to those that remained loyal, unless their defense arose from a sympathy with the rebellion. It seemed to him and to other radical anti-slavery Republicans that the Democrats opposed the actions of the Administration and Congress much more than they did secession and rebellion. But he was not satisfied with the Wade-Davis plan. He objected to its partial acknowledgement of rebel rights under the Constitution. He held that their rights were entirely abrogated. Stevens criticised the bill because it took for granted that the President might partially interfere in the civil administration of the Southern States, not as conqueror, but as President of the United States; and because it took away the chance of confiscation of rebel property.²²

²¹Ibid., May 4, 1864.

²²Ibid., May 2, 1864.

He again stated his doctrines of the Nation's belligerent rights which should control the action of the Government toward the rebel states in the War. Again he quoted Vattel and other authorities to justify his contention for confiscation by a conqueror in a just war.²³

"A band of men," said he, "sufficiently formidable to become an acknowledged belligerent, have robbed the treasury of the Nation, seized the public property, occupied our forts and arsenals, severed in twain the best and most prosperous nation that ever existed, slaughtered two hundred thousand of our citizens, caused a debt of two billion dollars, and obstinately maintain a cruel warfare. If we are not justified in exacting the extreme demands of war, then I can hardly conceive a case where it would be applicable....No one advises the use of the extreme right. But the right exists and ought to be enforced against the most guilty."²⁴

Thaddeus Stevens held consistently that the seceded states were out of the Union. He had opposed seating Hahn and Flanders, Representatives from Louisiana, because he was anxious that Congress establish no precedent which might sub-sequently prove embarrassing and, too, he believed that they had no legal right to their seats. Stevens wished the Davis Bill to affirm that Congress possessed full power, and to deny the seceded states any rights under the Constitution. He offered a substitute for the bill. Instead of having a direct vote on the bill, he arranged with Mr. Davis to have a portion of it proposed as a preamble to the Davis bill, to be voted separately. The preamble stated that the Confederate States were a public enemy, waging a war so unjust that they had no right to claim any mitigation

²³These views Stevens had made known in January 1864. Globe, January 8 and 22, 1864.

²⁴Ibid., May 2, 1864.

of the extreme rights of war accorded by modern usage to any enemy who could rightly consider the war a just one. None of the states in which a regularly recorded majority has joined the so-called Southern Confederacy can be entitled to representation in Congress or to participate in the political government of the Union. The preamble was rejected by a vote of seventy-six to fifty-seven. When the bill was put on passage without the preamble, Stevens with-held his vote. The Wade-Davis plan passed the House on May 4, 1864²⁵ and the Senate on the last day of the session, July 4, 1864.²⁶ The bill reached President Lincoln for his approval, less than an hour before the adjournment of Congress. A pocket veto by him prevented it from becoming a law. He gave his reasons for not signing the bill in a proclamation issued July 8, 1864. Mr. Lincoln decided to lay the plan before the people for consideration. He regarded the bill as the opinion of Congress as to the best method of proceeding with reconstruction. He stated that he had propounded a plan and announced his unreadiness to be committed to any single plan of reconstruction. The President was unprepared to declare that the Free State constitutions and governments already adopted and installed in Louisiana and Arkansas be set aside, thereby discouraging loyal citizens from further effort; nor was he willing to recognize that Congress had a constitutional power to abolish slavery in a state. He hoped and expected that a constitutional amendment abolishing slavery would be adopted. When military resistance had been suppressed in any state and that state had

²⁵Ibid., May 5, 1864.

²⁶Ibid., July 5, 1864.

returned to obedience to the Constitution, he would be ready to appoint Military Governors and instruct them to proceed according to the bill.²⁷

Though Stevens was not satisfied with the Wade-Davis bill, he was utterly disgusted with the President's pocket veto and defense of the bill. He wrote privately to a friend that the President was determined to have the votes of Tennessee, Arkansas, Louisiana, Florida, and perhaps also South Carolina. "The idea of pocketing a bill and then issuing a proclamation as to how far he will conform to it, is matched only by signing a bill and then sending in a veto. How little of the rights of war and the laws of nations our President knows!"²⁸ Wade and Davis published a paper in the New York Tribune, April 5, 1864, in which they arraigned President Lincoln for his stand on the Reconstruction bill. They complained that after defeating the act, the President proposed to appoint Military Governors over the rebel states, without law and without consent of the Senate. He had already exercised such dictatorial usurpation in Louisiana, and now he had defeated the bill to prevent the limitation of his power. The President must understand that their support of his administration was that of a cause, not of a man; and that he must confine himself to his executive duties and leave political organization to Congress.

The party division caused by the difference of opinion among Republicans as to the best procedure for the reconstruction of the seceded states did not endanger Mr. Lincoln's re-election. The method to be pursued was

²⁷ Presidents' proclamation, July 8, 1864.

²⁸ Stevens' Papers, July 10, 1864.

not an issue in the campaign, and all sections of the Republican party rallied to the President's support. On January 11, 1865, when Senator Trumbull, Chairman of the Senate Committee on the Judiciary, reported to the Senate a joint resolution recognizing the government of Louisiana as legitimate,²⁹ Sumner and Wade joined the Democrats in opposition. Sumner said passage of the resolution would be a national calamity and he employed dilatory tactics to prevent a vote in the Senate. He was much concerned because there was no provision for Negro suffrage, though he also insisted that reconstruction was a legislative function, to be carried out by the law, and not an executive function, to be carried out by military action. Wade objected strongly to the recognition of a state government that had been set up by Major Generals, and declared that he would not be compelled to receive as associates in Congress men of straw who represent nobody. He asserted that "a more absurd monarchial and anti-American principle than the ten per cent plan was never announced on God's earth."³⁰ Louisiana was not recognized. Congress would not count the electoral votes of the states reconstructed under the President's plan and the question of reconstruction was not brought up again during Lincoln's administration. Neither the President's plan nor that advanced by Congress had been accepted. The problem had been deferred.

²⁹ Globe, January 12, 1865.

³⁰ Ibid., February 27, 1865.

PART III
RECONSTRUCTION, 1865-1868

CHAPTER IX. STEVENS' POLITICAL STATUS, 1865.

Attitude and views concerning so-called
seceded States---Presidential reconstruction
procedure---Congressional prerogatives---
The Freedmen---Leader of Radicals---Chief
Colleagues---Limitation of presidential
power---Punishment of rebels---Civil and
political equality for Freedmen---Financial
safety of Union.

CHAPTER IX

STEVENS' POLITICAL STATUS, 1865.

The period of the Civil War and Reconstruction is considered one of the most interesting and important in American history, and has probably been productive of more inquiry and historical writing than any other.

Thaddeus Stevens was the dominant figure during this period and has been called the most masterful leader ever known in the House of Representatives. Under him, the House was not ruled by a system that created a one-man official power; instead, leadership was the result of his force and energy of mind and will and the strength of the cause he represented.¹ The House was free to act; consequently, Stevens, though the acknowledged leader, was frequently frustrated in accomplishing his ends. If Stevens merits being designated as the most masterful leader ever known in the House, it is well to know something of his expressed ideas and views, and of his actions concerning the political questions of his time. A study of his relation to the period of reconstruction during which such vital amendments to the Constitution were made, is important to a correct understanding.

There can be no doubt that Stevens was a man of partisan and uncompromising disposition, ever ready to fight when the interest of his party or cause seemed to demand such fighting partisanship. He lived in a period when party lines were sharply drawn and political opponents were also likely to be enemies in personal relations--a situation which often resulted in unseemly political conduct.² One writer describes Stevens as "fierce,

¹James A. Woodburn, The Life of Thaddeus Stevens (Indianapolis, 1913), 11.

²Woodburn, 38.

vindictive and unscrupulous," bitter in speech, and possessing in a supreme degree the faculty of making his opposers appear ridiculous; of having "a countenance of iron and the tongue of Voltaire;" and, as has been noted before, of being a party leader, and the dictator of the nation.³ McCall affirms that Stevens was unquestionably the leader of the House from July 4, 1861, when it assembled at the call of Lincoln, until his (Stevens') death in 1868; thus stating that he had occupied that important position for four years preceding the period now to be discussed. Further, McCall expresses the opinion that the legislative work of the entire period of Stevens' leadership has never been equalled in difficulty and importance in the history of Congress or, indeed, of any parliamentary body in the world.⁴ Historians of the time have usually referred to Stevens' views on money and finance as errors and vagaries. Orthodox writers on finance expressed themselves similarly.⁵

Thaddeus Stevens was seventy-three years old when the 39th Congress opened in 1865. A writer in the Independent, June 14, 1866, said:

"His spirit is not bated, his sarcasm cuts as keenly as ever, his wit flashes as brightly, and his great intellect seems in no wise dimmed...Thaddeus Stevens' inevitable sarcasm and wit seem purely intellectual gifts."⁶

The problem of reconstruction was a very complex and delicate one, and had to be met in the midst of the disasters and bitter feeling resulting

³Robert W. Winston, Andrew Johnson, Plebeian and Patriot (New York, 1928), 312.

⁴Samuel W. McCall, Thaddeus Stevens, Statesman (New York, 1899), 11.

⁵Ibid., 111.

⁶Dendrick, 167.

from the war. There were several distinct factors to be considered. In the first place, the reorganization of Southern state governments was necessary; secondly, the restoration of the seceded states, with their new governments, to their proper relation to the Union had to be arranged; and, in the third place, a decision had to be reached as to what should be the status of two classes of people--those who had engaged in the rebellion against the Union, and the emancipated Negroes.⁷ The conflicts and differences of opinion that resulted from efforts to meet these questions, form the major part of the struggle which was at its height during the period from 1865 to 1868, inclusive. The strife between the legislative and executive branches of the government was bitter and prolonged.

Stevens held the belief that when a state of war was admitted, every obligation which had previously existed between the government and the rebellious states was abrogated. He deplored the diversity of ideas and opinions concerning the status of the seceded states, and urged upon Congress the importance of a clear, logical theory concerning the subject. He felt that the idea of considering the rebel states as still being in the Union was entirely erroneous; and regarded a decision between this view and his own view that those states were conquered provinces, as being of the utmost importance to the future of the country.⁸ He argued that the law of nations alone could limit the conqueror in determining the conditions which should form the basis of a restored Union.⁹ Thoroughly dissatisfied with

⁷Woodburn, 327.

⁸Ibid., 304; Kendrick, 163.

⁹Woodburn, 305.

the mixture of military and civil procedure which had marked Lincoln's work, he was firm in the determination that neither statehood should be recognized, nor civil rights restored in the South until Congress was satisfied with the conditions imposed and the guarantees required. If Lincoln's procedure were to be judged from the view point of his being a military conqueror, Stevens, had no serious objections; but if judged from the view point of his status as a civil ruler, as President of the United States, there were serious objections.¹⁰ Johnson made known his plan of reconstruction six weeks after his inauguration. Since it was very similar to Lincoln's plan, Stevens' objections were unchanged. Johnson denied to thirteen classes the privileges of the proclamation, as against seven classes in Lincoln's proclamation; and Johnson's term were more severe. In regard to the exempted classes, special application for pardon was to be made in each case.¹¹ Stevens felt that only on the basis of his own doctrine of reconstruction under congressional authority, would any plan be carried out. On December 18, 1865, he delivered a speech in Congress, in which he summarized his opinions on reconstruction and stated the essential reasons why Congress, under his leadership, refused to adopt the reconstruction policy of President Johnson.¹² He said the first duty of Congress was to declare the condition of the seceded states and fix a government for them; Congress alone had the power to make the conditions under which they could be restored.¹³

¹⁰ Ibid., 305.

¹¹ McCall, 247.

¹² Congressional Globe, 1st sess., 39th Cong., 72-75.

¹³ Kendrick, 165.

the mixture of military and civil procedure which had marked Lincoln's work, he was firm in the determination that neither statehood should be recognized, nor civil rights restored in the South until Congress was satisfied with the conditions imposed and the guarantees required. If Lincoln's procedure were to be judged from the view point of his being a military conqueror, Stevens, had no serious objections; but if judged from the view point of his status as a civil ruler, as President of the United States, there were serious objections.¹⁰ Johnson made known his plan of reconstruction six weeks after his inauguration. Since it was very similar to Lincoln's plan, Stevens' objections were unchanged. Johnson denied to thirteen classes the privileges of the proclamation, as against seven classes in Lincoln's proclamation; and Johnson's term were more severe. In regard to the exempted classes, special application for pardon was to be made in each case.¹¹ Stevens felt that only on the basis of his own doctrine of reconstruction under congressional authority, would any plan be carried out. On December 18, 1865, he delivered a speech in Congress, in which he summarized his opinions on reconstruction and stated the essential reasons why Congress, under his leadership, refused to adopt the reconstruction policy of President Johnson.¹² He said the first duty of Congress was to declare the condition of the seceded states and fix a government for them; Congress alone had the power to make the conditions under which they could be restored.¹³

¹⁰ Ibid., 305.

¹¹ McCall, 247.

¹² Congressional Globe, 1st sess., 39th Cong., 72-75.

¹³ Kendrick, 165.

Stevens had decided plans for confiscation, and considered it an important part of the plan for reconstructing the South.¹⁴ In the spring of 1865, he made a speech in the House of Representatives and another one in Lancaster, Pennsylvania on September 8, 1865, in which he expressed the opinion that the property of the Confederate leaders should be seized and applied to the payment of the war debt and to the pensioning of the Union soldiers. He considered this as a belligerent right of a nation in war.¹⁵ He proposed to confiscate only the estates of those whose lands exceeded two hundred acres or were worth \$10,000.¹⁶ After giving forty acres to each adult Freedman, the remaining acreage--worth approximately \$3,540,000,000--was to be disposed of as follows: \$300,000,000 should be invested in six per cent government bonds and the semi-annual interest added to the pension of war veterans and their dependents, \$200,000,000 should be used to reimburse loyal men in the North and South for property damages suffered during the war: and with the remaining \$3,040,000,000 the debt should be paid.¹⁷ He maintained, moreover, that President Johnson, himself, favored confiscation when he was in his right mind.¹⁸

Thaddeus Stevens was always an uncompromising advocate of equality for all men before the law and claimed never to have been guilty of despising

¹⁴Ibid., 167.

¹⁵Woodburn, 521, 530.

¹⁶Ibid., 523.

¹⁷Globe, 72-75; Woodburn, 525, 526; Kendrick, 166, 167.

¹⁸W.E.B. DuBois, Black Reconstruction (New York, 1935) 90.

a man because he was black.¹⁹ He believed in democracy both in politics and industry. Aside from his personal desire for justice toward the Freedman, he was convinced that the government should extend a helping hand to the free but defenseless black man. In December 1865, he said:

"We have turned or are about to turn loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the commonest laws of contract, or managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage...."²⁰

Kendrick defines the term radical, as used in connection with persons identified with reconstruction measures, to mean those who desired such reconstruction procedure as would perpetuate the Republican party in the control of the national government.²¹ Stevens was indeed a radical, and the Republicans in the House followed him from the beginning of the struggle over the reconstruction until the President's influence was practically nullified. Probably one of the principal sources of Stevens' power as a leader was his ability as a debater and his skillful use of partisan tactics. Nearly every new measure which the government had adopted during the course of the war had been previously advocated by Stevens. This may be seen in his opposition to compromise with slave power; emancipation of the slaves as a war measure; arming the Negroes and placing them in the United

¹⁹Woodburn, 610.

²⁰DuBois, 90.

²¹Kendrick, footnote, 137.

States Army.²² It should not then be a source of wonder that when measures which he advocated had proved popular, he was considered the natural leader of his party. After he secured the appointment of the Joint Committee of Fifteen on Reconstruction, in December 1865, he was not only leader of the House, he was its dictator and leader of his party throughout the country.²³ In Harpers Weekly, January 6, 1866, an observer wrote that Thaddeus Stevens had the courage of his convictions; understood that reconstruction must be sure rather than swift; and stated clearly the steps which he considered essential for the desired end. The Washington correspondent of the Nation termed him: "the inexorable Thaddeus Stevens who holds the business of the House in the hollow of his hand."²⁴

Among Stevens' colleagues, Charles Sumner, Senator from Massachusetts, was considered the most important. Classed together, probably because of a mutual belief that the emancipated Negroes deserved equality of opportunity with all other American citizens, they are referred to as "iron-willed, imperious men" who "were, for two years, virtual dictators of the political scene."²⁵ Haynes, in his biography of Sumner, states that "with Sumner's aid, Stevens was an ideal leader in the cause of the Negro." He further claims that they aimed to abolish all racial prejudices and distinctions.²⁶

²²Ibid., 169.

²³Ibid., 168; McCall, 1.

²⁴Kendrick, 168.

²⁵Arthur M. Schlesinger, Political and Social History of the United States, VI, 1866-1872 (New York, 1932), 108.

²⁶Winston, 311. In a footnote, Winston quotes Haynes' Sumner, 317.

Asserting that Stevens and Sumner thought nothing wrong or unconstitutional which advocated the cause of freedom, Winston attributes to Sumner the statement that the men of the South who had served in the Confederate army, but in whose hands Andrew Johnson was willing to risk the affairs of the nation, were "not so far changed as to be fit associates."²⁷ Sumner was an idealist who maintained that the Freedmen were entitled to the ballot as an inherent human right.²⁸ In this, and in other matters, he contended always, for exactly and wholly what we wanted. Stevens, on the other hand, was a practical legislator; though he would never surrender a principle which he considered vital to justice,²⁹ if he could not at once get all he wanted, he took what he could get, and kept working for more--thus giving evidence of his practical statesmanship. Stevens and others of his colleagues agreed with Sumner that suffrage was a right of the Negro; but they also perceived that the Negro vote was necessary in order to counteract increased representation from the seceded states, because abolition had rendered inoperative the constitutional provision for counting only three fifths of the slaves in the apportionment.³⁰

Roscoe Conkling, Representative from New York, differed from Stevens in the matters of finance, but he was a protege and favorite of Stevens, and,

²⁷ Ibid., 320.

²⁸ Schlesinger, 236.

²⁹ Woodburn, 397.

³⁰ Schlesinger, 236.

during the early period of his career, generally followed his lead in the matters pertaining to the South. When Conkling entered the 39th Congress in 1865, Stevens secured him a place on the Joint Committee of Fifteen. Conkling won a reputation as an orator during his first four years in the House, and, with the exception of Stevens, whom Kendrick claims was "head and shoulders above any other member", was classified with Garfield, Blaine, and Bingham as one of the ablest four men on the committee.³¹ A review of Conkling's life would not, however, lead one to think of him as being, like Stevens, the friend of the oppressed.³²

Representative George S. Boutwell, of Massachusetts, though not a colleague of Stevens in the same sense as was Charles Sumner, must, however, be recognized as an extreme radical who vigorously advocated Stevens' policies. He directed earnest efforts toward securing suffrage for the Freedmen and toward disfranchising the rebels. Boutwell was a professional politician, dependent upon political offices for a livelihood and, therefore, interested chiefly in maintaining the power of the party.³³

Wendell Phillips of Massachusetts, like Stevens and Sumner, advocated emancipation and opposed compromise in the battle for justice to Negroes. It is said of him that when President Johnson failed to advocate full social and political freedom for the Negro, Phillips delivered a scathing lecture which he called "The South Victorious." Declaring that slavery was being re-established by Congress and, if the President succeeded, "he should write

³¹Kendrick, 186.

³²Ibid., 187.

³³Ibid., 188.

his name higher than Burr or Arnold," Phillips refused to accept an invitation to go to Washington. He said bluntly that he preferred not to "breathe the same air with them."³⁴ On April 30, 1866 Phillips wrote to Stevens protesting against any compromise, and urging him to prevent the Republican party from deserting its post; if that were not possible, he asked that "the practical statesmen of the nation be true to their duty;" and assured him that, with leaders, the people would "open no door which does not admit all races."³⁵

Thaddeus Stevens contended that the President possessed no power to create new states, to dictate laws fixing the qualifications of voters, as to determine that states are republican; the President was merely to execute the laws issued to him through Congress, which represented the people; though he was Commander-in-Chief, Congress was his commander; Congress possessed all power other than executive and judicial.³⁶ Though the seceded states had complied with the President's demands, adopted the thirteenth amendment, repealed secession ordinances, and abolished war debts, Stevens argued that they were not to come into the Union until Congress gave consent.³⁷ On December 18, 1865, when Stevens proposed an amendment in which representation should be based according to voters instead of population, and one giving the national government the right to levy export duties in

³⁴Winston, 315.

³⁵Woodburn, 347.

³⁶Ibid., 447.

³⁷Winston, 317.

order that cotton should be properly taxed, he insisted that these amendments should not be submitted to the so-called governments in the southern states, as "they were merely governments under duress;" and that Congress should, without delay, declare and assume its power over the whole subject of reconstruction.³⁸

As a matter of punishment, Stevens recommended that the conquered states should be forced to pay at least a part of the damages and expenses of the war, and to indemnify those who had suffered through raids committed by rebels. He insisted that treason should receive adequate punishment but not the death penalty; and that loyal men be appointed guardians over the seceded states.³⁹ Suffrage should be extended to the Negro in every seceded state, Stevens urged. He said that if it were just, it should not be denied; if necessary, it should be adopted; and if it were a punishment to traitors, they deserved it.⁴⁰ His original desire was that suffrage should be carried gradually by the consent of the southern states, and that it should be accompanied by education. Woodburn comments that the temper and resistance of the South are responsible for the act of enfranchisement being brought by national power.⁴¹ Maintaining that "every human being who possesses an immortal soul", has equal right to justice, honesty and fair play with every other man, Stevens asserted the obligation of Congress to make

³⁸Globe, 1st sess., 39th Cong., 72-75; Kendrick, 166.

³⁹Woodburn, 447.

⁴⁰Ibid., 448.

⁴¹Ibid., 487

a law to secure those rights; the same law which acquits one man of an offense, should operate similarly in the case of any man on the same basis of facts.⁴²

The financial safety of the Union was a subject of much concern to Thaddeus Stevens. The prosperity which the country enjoyed at the close of the Civil War had been preceded by a period of loss, stagnation in trade, lowering of wages, suspension of business enterprises, and great financial distress. Stevens had contributed to the discussions and opinions relative to the financial situation of the country. He was a greenbacker and, though he did not live long enough to be a member of that party, he had announced principles that underlay its formation and progress.⁴³ He had made notable efforts to deliver the government from what he termed gold bondage during the war, and believed that the restoration of gold money to its former use did not depend upon contracting and destroying the currency produced during the war, but upon the growth of the country, expansion of trade, and a larger use of paper currency. This would tend to bring the greenback to a parity with gold, and would result in gold, silver, and paper currency circulating together.⁴⁴ Thaddeus Stevens was a strong advocate and contender for repudiation of the Confederate debt. His policy concerning the war debt of the United States was to offer twenty year bonds whose principal was to be paid in coin, while the interest was to be paid in legal tender. He hoped

⁴²Ibid., 449.

⁴³Ibid., 537.

⁴⁴Ibid., 538.

that at the end of twenty years, the country would again be on a specie basis, because of its growth in population and trade. His objections to payment of the interest in coin were based on the assumption that it established competition between the government and the merchants and put them both in the power of banks and brokers.⁴⁵ Boutwell's proposal to continue to pay the war debt in gold, shocked Stevens, who contended that such a policy must end in disaster.⁴⁶ The capitalistic press loudly denounced Stevens' policy as "a greenback confiscation and wholesale act of repudiation." However, the Philadelphia Press published an article in September 12, 1865, which quoted Mr. Forney, who knew Stevens well, as saying that he knew no man in all the land who hated repudiation more than Thaddeus Stevens; and that "there was a time in Pennsylvania when he fought against that crime and crushed it with his Titanic blows."⁴⁷

Though untrained for special money problems, Stevens put up a strong fight on the financial issues that he was forced to meet. He was defeated in the policies he sought to have adopted, but the ideas that he accepted and advocated have not disappeared. Going straight to the root of the question, he announced principles which were subversive of the gold standard and the moneyed interests. Nothing shook his belief in a uniform national currency; in issuance of bills of credit by the general government alone; that the government had the constitutional power to issue money made of any

⁴⁵Ibid., 553.

⁴⁶Ibid., 557.

⁴⁷Ibid., 580.

material it chose; that except for convenience, material does not matter. He claimed that the volume of money should be regulated by the government in the interests of producers and workers rather than by combinations of capitalists who controlled the gold of the world in the interests of the moneyed classes. Stevens' views of money did not receive much public support in his day, but long afterward they have been accepted by millions of citizens in the United States.

In 1865, Thaddeus Stevens was the acknowledged leader of the radical forces in the House of Representatives and of the nation. His beliefs concerning a method of procedure in regard to the seceded states; the precedence of Congressional over Presidential action in the laws and processes governing reconstruction; and his views relating to the financial safety of the Union, were based upon a desire to assist in the necessary organization of the country's working machinery, to promote its interests, and to assure its success as a powerful, independent, united nation, commanding the respect of the world.

⁴⁸Ibid., 582.

CHAPTER X. STEVENS AND THE JOINT COMMITTEE OF FIFTEEN

Origin---Important members---Initial movement
against the President---Republican Caucus,
December 2, 1865---Stevens' resolution passed---
First Civil Rights Amendment.

CHAPTER X

STEVENS AND THE JOINT COMMITTEE OF FIFTEEN

As the end of Lincoln's administration marked the end of the war, so the beginning of Johnson's ushered in reconstruction. The two men had similar ideas concerning reconstruction. When the Southern Confederacy collapsed in April 1865, those state governments which had been in allegiance to it were not recognized as legal by any Federal official.¹ They were forbidden to continue in existence, and, for a few weeks, seven of them were without civil governments and were subject to Federal authority alone. In Virginia, Tennessee, Louisiana, and Arkansas, loyal governments had been instituted during Lincoln's administration. Johnson recognized those state organizations as regular, and appointed provisional governors in the states where no such organizations existed. At the direction of the President, each of the provisional governors called a convention for the purpose of erecting a permanent government in harmony with that of the United States.² To the convention which assembled, Johnson did not give definite instructions, but let it be understood that the executive department of the Federal Government left the franchise in the hands of the whites. The conventions were to comply with three conditions: the ratification of the thirteenth amendment, the repudiation of the war debts and a declaration that the ordinances of secession were null and void from the beginning.³

¹Kendrick, 17.

²Ibid., 134.

³Ibid., 135.

By the time Congress met on December 4, 1865, most of the Conventions had established new governments, and in some cases, senators and representatives to Congress had been chosen. The President's plan of restoration received the sympathy and support of many people in the North and was endorsed by party conventions, both Democratic and Union in nearly every state. The press, in general, was favorable also, though the New York Tribune, Harpers Weekly, and the Nation advocated that Negro suffrage be a fourth condition in readmission of the seceded states.⁴ Pronounced opposition to the President's policy came, however, from the radical members of Congress.⁵ Most Republicans believed that the Democrats in the South would join forces with Democrats in the North; and that since the Negro was not permitted to vote, all the southern Congressmen would belong to the Democratic party.⁶ As there was no consensus as to a substitute for the executive policy, the opposers were determined not to act precipitately, but to delay. Conservative Republicans hoped to come to an understanding with the President; the radicals had the idea of carrying out a thorough overhauling of southern political, economic, and social conditions. Guided by Thaddeus Stevens, the radicals, therefore, determined upon the plan of appointing a joint committee to which all matters pertaining to reconstruction should be referred. Since the carrying out of this plan would involve

⁴Ibid., 135.

⁵James Ford Rhodes, History of the United States, 1850-1877 (New York, 1920), VI, 1.

⁶Kendrick, 136.

delay, the conservatives acquiesced in the scheme.⁷ "The story of how Stevens forced the majority party in the lower house to commit themselves against the policy of the President, is the story of the origin of the joint committee on reconstruction."⁸ From December 1865 to March 1867, the members of this committee determined the principles of reconstruction that were finally carried into effect in the South. The Joint Committee of Fifteen consisted of six senators and nine congressmen. The members were Senators Fessenden, Howard, Harris, Grimes, Johnson, and Williams; and Representatives Stevens, Washburne, Morrill, Grider, Bingham, Conkling, Boutwell, Blow, and Rogers. Its head was Thaddeus Stevens.⁹

The 39th Congress, which met on December 4, 1865, is considered as next in importance to the 1st Congress, whose task was the organization of the government under the Constitution.¹⁰ The problem of the 39th Congress was the reorganization of the government after the Civil War had greatly altered the institutions of the country. Public interest was keen because of the uncertainty as to what would be the outcome of the question of southern representation. It was generally understood that southern members would not be allowed to take their seats at once, but since there had been no definite action concerning the matter, on the opening day of the

⁷Ibid., 18.

⁸Ibid., 137.

⁹Ibid., 38; Winston, 311.

¹⁰Kendrick, 141.

session the galleries were filled with people who awaited the action of the House.¹¹ It is customary for the clerk of the House to preside until a speaker is elected, and before the election takes place, the clerk calls the roll. Edward McPherson, who owed his position to Thaddeus Stevens, was clerk of the House when the 39th Congress opened. Acting under orders from Stevens, McPherson omitted the names of the members elect from the seceded states. Protests were unavailing.¹² Immediately after Schuyler Colfax had been elected as speaker, and the House organized, Stevens asked unanimous consent to introduce a resolution which read as follows:

"Be it resolved, by the Senate and House of Representatives in Congress assembled: That a joint Committee of fifteen members shall be appointed, nine of whom shall be members of the House, and six members of the Senate, who shall inquire into the condition of the states which formed the so-called Confederate States of America, and report whether they or any of them, are entitled to be represented in either House of Congress, with leave to report at any time, by bill or otherwise; and until such report shall have been made, and finally acted on by Congress, no member shall be received into either House from any so-called Confederate State; and all papers relating to the representation of said States shall be referred to the said Committee without debate."¹³

As unanimous consent was not received, Stevens moved a suspension of the rules, the previous question debate was prevented, and his resolution was passed. In all such test votes, the entire Union party sustained Stevens.¹⁴

¹¹New York World, December 8, 1865.

¹²Kendrick, 142; Rhodes, V, 544.

¹³Kendrick, 37.

¹⁴Ibid., 143; Globe, 5 et seq.

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efforts and thus every member committed himself against President Johnson's policy. The resolution was a joint and not a concurrent one. This distinction is important because a joint resolution requires the President's signature in order to become effective; while a concurrent one does not. Stevens purposely presented the resolution in such form as to require the President's signature. He appeared anxious to force the issue with the President at once, and, had the resolution passed the Senate in the same form as in the House, Johnson must either have signed it and, consequently, have abandoned his own method of reconstruction by agreeing to work with Congress; or have vetoed it, and immediately have precipitated the breach between him and Congress.¹⁵ Kendrick expresses the opinion that it was fortunate for Stevens' scheme of reconstruction that the issue with the President was postponed and was later forced on another question.¹⁶ The conservatism of the Senate caused the postponement. The resolution did not receive unanimous consent for consideration when it came before the Senate on December 5, 1865; and since the previous question has no existence in the Senate, the resolution was postponed until the next day.¹⁷ Despite the protests of Charles Sumner that the matter required immediate attention, a suggestion from Senator Fessenden caused it to be postponed a second time. The Republican members of the Senate held a caucus on December 11 and, by a vote

¹⁵Kendrick, 143; New York World, December 7, 1865.

¹⁶Kendrick, 144.

¹⁷Globe, 7.

of 16 to 14, changed the resolution to the following form:

"Resolved by the House of Representatives, (the Senate concurring) That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they, or any of them, are entitled to be represented in either House of Congress, with leave to report at any time, by bill or otherwise."¹⁸

The amended resolution, as passed in the Senate, differed in three ways from the original resolution in the House: first, the resolution was joint in the House, while in the Senate it was concurrent and did not require the signature of the President; second, the House agreed not to accept members from the southern states until the committee had reported, while the Senate did not decide similarly; third, the House agreed to surrender to the committee the privilege of judging the election returns and qualifications of its members, while the Senate did not so limit its own powers.¹⁹ On motion of Thaddeus Stevens, the House of Representatives concurred in the amendments of the Senate.²⁰ Senator Jacob Howard voiced the opinion of the fourteen radical members, who were in favor of the resolution as it came from the House, and expressed the thought that the country expected Congress to pledge itself not to admit any of the rebel states until after the committee had reported. His speech clearly indicates the acceptance of Stevens'

¹⁸Kendrick, 38.

¹⁹Ibid., 146.

²⁰Ibid., 38.

views by his fellow radicals.²¹ He said, in part:

"What is the present position and status of the rebel states? In my judgement they are simply conquered communities, subjugated by the arm of the United States--communities in which the right of self government does not now exist. We hold them....not by their own free will or consent, as members of the Union, but solely by virtue of our superior military power. I object to the amendment for the reason that it leaves the implication that one or the other houses of Congress may, whenever it sees fit, readmit senators or representatives from a rebel state without the concurrence of the other house; and I hold it utterly incompetent for the Senate or the House to admit members from the rebel states without the mutual consent of each other."²²

Senator Doolittle, of Wisconsin, expressed the attitude of the Republicans who opposed the idea of a joint committee. He stated that as far as the Senate was concerned, the judiciary committee could attend to the matter; but, in the event of a choice between two evils, he preferred the form of a resolution endorsed by the Senate. Doolittle's speech showed plainly that President Johnson and his friends realized that Thaddeus Stevens' resolution and the method used in passing it, meant an attack upon the administration. He asserted that Stevens was "bitterly and uncompromisingly hostile to the policy of the present administration on the subject of reconstruction." He felt that the Senate should not aid Stevens' schemes, since practically everyone understood the source and intent of the resolution.²³

The public evinced keen interest in the passage of the resolution creating a joint committee on reconstruction, in the resulting process of

²¹Ibid., 146.

²²Globe, 24.

²³Ibid., 26.

reconstruction, and in the attitude of Congress toward President Johnson's policy. The press regarded the committee as good or bad according to the sufficiency or inefficiency of the guarantees which the President's policy afforded as to the loyalty of the seceded states. The passage of the concurrent resolution by Congress was considered as indicating an intention to demand further conditions precedent to the admission of representatives and senators from those states.²⁴ The New York World expressed the feelings of the Democrats concerning what they termed an attempt on the part of the radicals to thwart Johnson's restoration plan. It declared:

"They did not wait till the opening of Congress to give that plan the honor of a decent burial under the clerk's table...The resolution adopted unanimously by 124 Republican members in their caucus, shows with what promptitude Thaddeus Stevens strangled the infant Restoration, stamped upon it with his brutal heel, and proclaimed his plan for keeping the Union disunited."²⁵

The New York Times, edited by Henry J. Raymond--chairman of the National Executive Committee of the Union party, professed to see nothing in the appointment of the joint committee which would indicate a breach between Congress and the President. Stevens evidently caused Raymond to believe the committee was not intended to thwart Johnson, since the Times published the statement that a committee to investigate whether or not the seceded states were entitled to representation, was necessary in order that Congress be properly informed concerning the matter.²⁶ Raymond realized his mis-

²⁴Kendrick, 148.

²⁵New York World, December 4, 1865.

²⁶New York Times, December 5, 1865.

apprehension after the measure had passed the Senate.²⁷ Though the New York Tribune had supported the reconstruction policy of the President, it had felt that Congress should supplement the conditions which he imposed upon the rebel states. It favored some form of suffrage for Negroes, and felt that Congress could, with more authority, impose this condition upon the seceded states than would the President. It favored the appointment of the joint committee and considered it a body to supplement and not to oppose Johnson's policy.²⁸ The other New York dailies opposed the appointment of a joint committee, fearing it would act in a partisan manner and delay the settlement of the problems of reconstruction.²⁹ The Herald was disturbed by the suspicion that Stevens would enlist the help of the committee in carrying out his confiscation plans.³⁰

Thaddeus Stevens and William Pitt Fessenden exercised greater influence on the process of reconstruction than any other members of the joint committee.³¹ Next in importance were the contributions of Bingham, Conkling, Boutwell and Reverdy Johnson. Stevens, "the great protagonist of curbing the political power of the South and completely emancipating the Negro, was the prime figure in the committee."³² He was radical and so was his policy, but the Republican members of the House of Representatives

²⁷Kendrick, 149.

²⁸New York Tribune, December 5, 1865.

²⁹New York Evening Post, December 13, 1865.

³⁰Kendrick, 183.

³¹Ibid., 183.

³²Dubois, 97.

followed him faithfully. Much of Stevens' great influence is attributed to his ability as a debator and his masterly appeals and coercive measures in securing partisan support. His colleagues in the joint committee accepted him whole-heartedly as their leader, even in the face of Presidential disapproval and loss of patronage.³³

Fessenden was considered an excellent debater and parliamentarian, an authority on many subjects of legislation, and an incorruptible man.³⁴ He believed that Johnson's attempt to restore the seceded states without consulting Congress was a grave mistake, but at the opening of Congress in December 1865, he was not one of the group who desired a breach with the President. He feared that such a situation would harm both the Republican party and the country. He was typical of the conservative Republican senators; was unwilling to accept the President's efforts at restoration as final, and felt that additional guarantees should be exacted from the rebel states; but did not feel that the radicals should control the process of reconstruction.³⁵ In personal letters, written soon after he was made chairman of the joint committee, he expressed the belief that the President was as anxious as Congress that the insurgent states should make sufficient guarantees before receiving full restoration, and asserted that Johnson manifested no desire to interfere with the proper prerogatives of Congress.³⁶

³³Ibid., 98.

³⁴Kendrick, 183.

³⁵Ibid., 173.

³⁶Ibid., 174.

On December 24, 1865, he expressed the opinion that if Stevens and Sumner and a few other such men did not embroil the committee with the President, matters could be arranged satisfactorily to the majority of the Union men throughout the country. Later, however, when Johnson opposed proposals designed to safeguard the civil rights of Negroes; when he gave evidence of lack of sympathy with efforts tending to strengthen the national government; and, finally, when he asserted that a Congress in which the seceded states had no representation could not properly legislate for them, Fessenden lost patience with him and abandoned hope for harmony between him and Congress.³⁷ During the first session of the 39th Congress, Fessenden is reported to have kept the Republican members of the joint committee to a fairly moderate policy of reconstruction.³⁸ Credit is accorded him for valuable work done in perfecting the fourteenth amendment.³⁹ In 1868, after the rejection of the amendment by the rebel states, he declared that Congress had done enough toward reconstruction and should take no further action until the people of those states sought admission in proper form. He advised against reconstruction acts but did not vote against them, for fear of being read out of the party by the radicals.⁴⁰ He did not, however, agree with the Democratic

³⁷Ibid., 176.

³⁸Ibid., 177.

³⁹Ibid., 178.

⁴⁰Ibid., 179.

proposal that the work of the radicals should be undone. His idea was that patience and conciliation should be the outstanding characteristics of the men who engaged in the task of reconstruction.⁴¹

John Bingham's chief contribution to congressional reconstruction was the part of the fourteenth amendment which provides for equality of civil rights for all citizens of the United States. Bingham's attitude toward reconstruction was more like that of Fessenden than of Stevens. Though he was never willing to sacrifice his principles for the sake of harmony, he was anxious to avoid a breach between the President and Congress. During the second session of the 39th Congress, he bitterly denounced the radical Republicans because they abandoned the fourteenth amendment as the basis of congressional reconstruction policy.⁴² Finally, however, he voted for the reconstruction bill. Kendrick describes him as "a man of intense nervous force, great intellect, powerful in argument and masterful in speech", but one whose personality was such that he was never very popular. He was one of the board of managers for the prosecution of President Johnson and is said to have made one of the best legal arguments on his side of the case.⁴³

Roscoe Conkling was a member of the House of Representatives from 1859 to 1863 and from 1865 to 1867. He was a member of the Senate from 1867 to 1881. During his first four years in the House, he gave evidence of extraordinary powers as an orator and was considered second only to Thaddeus

⁴¹Ibid., 183.

⁴²Ibid., 184.

⁴³Ibid., 185.

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Stevens, who in ability and prominence was far above every other member. Though he differed from Stevens in matters of finance and had voted against the legal tender bill of 1862, he was a favorite and protege of Stevens and usually followed Stevens' lead in matters concerning the South.⁴⁴ In 1865 when Conkling entered Congress, Stevens secured him a place on the joint committee. As a member he was particularly helpful in "drawing up, defending, and expounding the political theory of that part of the fourteenth amendment which concerns the basis of representation",⁴⁵ and in perfecting the language of other bills and resolutions considered by the committee. At the time, he did not favor section one of the fourteenth amendment, in which Stevens and Bingham were so deeply interested. Years later, however, when arguing great corporation cases before the Supreme Court, he influenced the Court to decide that the provision of the fourteenth amendment which forbids a state to deny equal rights to any persons within its jurisdiction can be applied to protect corporations from excessive taxation.⁴⁶

George S. Boutwell was radical to the point of being a fanatic. He constantly urged his colleagues to more radical actions and believed that extreme radicalism was the surest means to continue the supremacy of the Republican party. Gideon Welles described him as "an extreme radical, destitute of fairness where party is involved".⁴⁷ Boutwell is credited with the authorship of the fifteenth amendment and is said to have asserted his

⁴⁴Ibid., 186.

⁴⁵Ibid., 187.

⁴⁶Ibid., 187.

⁴⁷Ibid., 188. Quoted from Diary of Gideon Welles, III, 239.

belief that unless suffrage were granted the Negro, the United States Government would collapse.⁴⁸

Reverdy Johnson, the most important of the Democratic members of the joint committee, used his influence and vote in the committee in mollifying the measures of the radicals, rather than in hopeless opposition to all of their propositions. In March 1867, realizing that the radicals were becoming more extreme in their demands, he voted for the Reconstruction bill. He did so because he feared that they would next reduce the southern states to the status of territories.⁴⁹

When the 39th Congress convened in December 1865, President Johnson was popular with many of the members and had it not been for the leadership of Thaddeus Stevens, there probably would have been no open opposition to his policy of reconstruction.⁵⁰ How Stevens forced the majority party to declare themselves against Johnson's policy has been described in the account of the origin of the joint committee on reconstruction. For more than two years Stevens had been strongly advocating that the rebel states be treated as conquered provinces; that, to a certain extent, their lands be confiscated and the proceeds used to pay the national debt, establish a pension fund, and give forty acres to each Freedman. These plans were set forth both in and out of Congress, and, at the same time, he contended that the seceded states be readmitted only by specific acts of Congress, after having given evidence of good faith during a period of probation. Until

⁴⁸Ibid., 189.

⁴⁹Ibid., 196.

⁵⁰Ibid., 137.

the end of the probationary period, the states were to be kept under either a military or a territorial form of government. Several days before Congress opened, Stevens went to Washington with the intention of forcing his views upon the President, and with the determination that if he were unsuccessful in the attempt, he would secure their adoption by Congress. On Wednesday preceding the opening of the session, Stevens had a long interview with the President. He expressed opposition to Johnson's idea of extending pardon to the rebels; told him that the majority of the Union party in Pennsylvania opposed the Presidential policy of reconstruction; and warned him that he must greatly change his policy if he expected the Union members of Congress to support it. Though Johnson appealed for harmony, he would not promise to make any change in his plans for reconstruction. Two days later, on Friday, December 1, 1865, Stevens and twenty-five or thirty extreme radicals met to decide on a method by which they could concentrate their efforts to obtain Congressional opposition to the President's policy. After telling his colleagues of his interview with Johnson, Stevens expressed the belief that an open breach with the President might be necessary in order to carry out their own plans relative to reconstruction.⁵¹ A canvass of the Senate revealed that its opinion on the matter was rather conservative. Stevens and his colleagues feared that the Senate might admit properly qualified members from the rebel states and thus defeat his program. In an effort to prevent this, he and others planned the creation of the joint committee on reconstruction. The radicals, led by Thaddeus Stevens, were determined

⁵¹Ibid., 139.

that Congress should have complete charge of the plans and processes of reconstruction; and though the resolution, which resulted in the appointment of the joint committee, looked innocent enough, it was the initial movement to commit the Union party to opposition to Presidential reconstruction.

When the Republicans met in their regular caucus on Saturday evening, December 2, 1865, all of the radicals were present. J. S. Morrill, an extreme radical from Vermont, was elected chairman of the caucus, and a committee of seven was appointed to consider the method of procedure in regard to representation from the southern states. There were several conservatives on this committee, of which Henry J. Raymond of New York was the most notable. Stevens was made chairman. He offered a resolution which forbade representation from the rebel states except by congressional authority and it was adopted without a dissenting vote.⁵² Raymond was a clever politician, but he, evidently, did not realize the full significance of the resolution until too late. Politicians usually adhere strictly to agreements and decisions reached in caucus. Kendrick comments: "Stevens not only carried his point but the radical program was put through with the supporters of the President advocating it".⁵³ In 1865-6, the problem of representation of the Negro population was the particular phase of the Negro question which gave great concern to Republican politicians.⁵⁴ Thaddeus Stevens' argument was

⁵²New York World, December 3,4, 1865; New York Times, Dec. 4, 1865.

⁵³Kendrick, 141.

⁵⁴Ibid., 198.

that unless Congress enacted stringent laws on which representation should be based, ruin would befall the Nation and, finally, the re-establishment of slavery would result.⁵⁵ Laws discriminating against Negroes and denying them equal civil rights with white people were passed by southern legislatures.⁵⁶ Northerners considered such laws unjust.

According to the constitution, the slave states had been permitted representation for three-fifths of their slaves. In 1860, the fifteen slave states had eighteen more representatives than they would have had if this permission had not been obtained. After the slaves were freed, the rules became inoperative, and unless an amendment were made to the Constitution, all the Negroes would be counted and the representation of the southern states would be entitled to approximately thirty representatives for the Negro population, though no one of them was allowed to vote. One of the first tasks that the joint committee undertook was to readjust the basis of representation.⁵⁷

On the opening day of the 39th Congress, Charles Sumner introduced resolutions in the Senate which, among other things, provided for equality of civil rights for all persons within the United States. On December 5, 1865, Thaddeus Stevens and some of his colleagues submitted to the House propositions to amend the Constitution.⁵⁸ It was proposed that representation should be apportioned according to the number of legal voters; that none

⁵⁵DuBois, 92.

⁵⁶W. A. Dunning, Reconstruction, Political and Economic, 1865-1897 (New York, 1907), 54.

⁵⁷Kendrick, 198.

⁵⁸Globe, 2.

should be considered as legal voters who were not either natural born or naturalized citizens of the United States, of the age of twenty one years; and that Congress should provide for ascertaining the number of voters.⁵⁹ James G. Blaine and other New Englanders so persistently opposed apportionment according to voters that Stevens abandoned the proposition.⁶⁰ On January 9, 1866, Fessenden proposed an amendment which would empower the national government to secure civil rights for all persons in the United States before the rebels would be granted representation in Congress.⁶¹ Thaddeus Stevens, on January 12, 1866, submitted the following proposed amendment, for consideration by the sub-committee which had been appointed by the joint committee on reconstruction:

"All laws, state or national, shall operate impartially and equally on all persons, without regard to race or color."⁶²

On January 20, 1866, the joint committee decided on the following form of their proposed amendment:

"Representation and direct taxes shall be apportioned among the several states which may be included within this Union according to their respective numbers, counting the whole of persons in each state, excluding Indians not taxed; provided that whenever the elective franchise shall be denied or abridged in any state on account of race or color, all persons of such race or color shall be excluded from the basis of representation."⁶³

Stevens reported the resolution to the House on January 22, 1865 and urged

⁵⁹Ibid., 9,10.

⁶⁰Kendrick, 40.

⁶¹Ibid., 199.

⁶²Ibid., 46.

⁶³Ibid., 199.

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immediate action on it.⁶⁴ He suggested that only two hours be allowed for debate, but this was not agreed to, even by his colleagues. With only one change--the striking out of the words "and direct taxes"--it was reported back to the House on January 31, and on that day, it was brought back to a vote in the Senate. Sumner declared that it was a compromise of human rights and his efforts caused its defeat in the Senate. Some of the radicals were opposed to the amendment because it acknowledged the existence of a state's right to disfranchise persons because of race or color. They maintained that states possessed no such rights.⁶⁵

On February 3, 1866, by a vote of 7 to 6, the joint committee adopted a resolution that

"Congress shall have power to make the necessary laws to secure citizens of each state all privileges and immunities of citizens in the several states; and to all persons in the several states equal protection in the rights of life, liberty and property."⁶⁶

Bingham reported the resolution on February 13, but it was not acted upon.

Two weeks later, he again brought it to the attention of the committee.

After a debate of three days length, the necessary two-thirds for its passage as an amendment was not secured. Again it was postponed, to be considered on the second Tuesday in April. On that day, however, it was not

mentioned. Later in another form, it became section one of the fourteenth

amendment. The Democrats, and many Republicans also, were opposed to the

amendment. Though the Republicans explained their opposition on the basis

⁶⁴ Globe., 351.

⁶⁵ Kendrick, 205.

⁶⁶ Globe., 1033.

that more time was needed for consideration of the amendment, the consensus was that they feared its ill effect on the April election in Connecticut.⁶⁷

DuBois asserts that Johnson's insistence on considering himself vested with both executive and legislative powers, and his opposition to the majority of the party in Congress which had elected him, caused the Committee of Fifteen, on the motion of Stevens, to be created. He further states that Stevens and his followers proceeded so cleverly and intelligently that when the committee held its last meeting on February 9, 1867, "the goal it had set itself had been reached in a practical and very satisfactory manner."⁶⁸

⁶⁷ New York World, March 3, 1866.

⁶⁸ DuBois, 90.

CHAPTER XI. REPUBLICAN CONGRESSMEN versus THE PRESIDENT.

Radicals oppose Executive---President vetoes
Freedmen's Bureau Bill---Alienation of Con-
servative element---Passage of Freedmen's
Bureau Bill---Counter attacks of Andrew Johnson
and Stevens---Civil Rights Bill---Conservatives
withdraw support from President.

CHAPTER XI

REPUBLICAN CONGRESSMEN versus THE PRESIDENT.

The two main problems which confronted Congress in December 1865 were the basis of representation and the status of the Negro.¹ Three men were considered chiefly responsible for the Congressional policy of reconstruction: Andrew Johnson, Thaddeus Stevens, and Charles Sumner. Rhodes asserts that Johnson's obstinacy and bad behavior, Stevens' vindictiveness and parliamentary tyranny, and Sumners' "pertinacity in a misguided humanitarianism" are responsible for the Congressional policy.² He further states that though the 39th Congress was an able body of men, they failed to study scientifically the problem of combining in one social organization two "widely different" races.³

Congress said in 1865, as it had said in 1864, that a President does not possess authority to admit rebel states into the Union.⁴ Concerning the Negro, there was a difference of opinion even among Republicans as to the wisdom of granting him suffrage. There was, however, no difference of opinion among the men of any party as to the necessity of maintaining inviolable his freedom, which had been so dearly bought.⁵

¹ Du Bois, 91; McCall, 245; Winston, 395.

² Rhodes, 47.

³ Ibid., 42.

⁴ Winston, 312.

⁵ McCall, 249.

The New York Nation praised the President's plan of reconstruction as

follows:

"If the President were to commit tomorrow every mistake or sin which his enemies had feared, his plan of reconstruction would still remain the brightest example of humanity, self restraint, and sagacity ever witnessed-- something to which history offers no approach."⁶

On December 21, 1865, Senator Voorhees offered a resolution praising Johnson's efforts to restore civil government and pledging the Senate to aid and uphold him in his policy. Bingham offered a substitute; but Thaddeus Stevens, objecting to any recognition of Andrew Johnson, asked that the substitute go to his committee. Voorhees' resolution was voted down on January 9th and the House passed Bingham's substitute which, according to Winston, "damned the President with faint praise." The resolution contained the statement "that in the future, as in the past, the President will cooperate with Congress."⁷ From this time on, cooperation between Johnson and Congress became very difficult. Radicals in the 39th Congress felt that unless Johnson's powers were limited to the executive branch of the government, the Republican party would be defeated by a combination of northern Copperheads and southern rebels and the Negroes would remain virtually slaves. "The bare thought of these things put Thaddeus Stevens and Charles Sumner in a towering passion."⁸ Stevens openly declared that the Republican party must control Congress, and southern representatives must be excluded, if the

⁶Winston, 320.

⁷Ibid., 321.

⁸Ibid., 308.

country were to be saved.⁹ He accordingly undertook to maneuver the Republicans into a solid phalanx. This was a much more difficult task in the Senate than in the radical House. Sumner of Massachusetts, Wade of Ohio, and Howe of Wisconsin led the radical forces in the Senate; while Fessenden of Maine, Grimes of Iowa, and Trumbull of Illinois were types of the conservatives.¹⁰ Stevens' success in this undertaking was the result of shrewd planning and constant effort.

When Congress met in December 1865, the Tennesseans insisted on admission to their seats. Andrew Johnson had selected Horace Maynard, as unionist representative from Tennessee, to be used as a means of thwarting Stevens in his purpose of excluding members from the southern states. Stevens outmaneuvered him and the seat was refused Maynard.¹¹ There was a strong feeling among Republicans that the Tennesseans should be excepted from the general rule of exclusion as applied to the seceded states, and Stevens had the very difficult task of waging his fight against this sentiment in the ranks of his own party. He realized that admission of Tennessee at this time would have meant virtual approval of the President's policy. When it seemed probable that the resolution, made by a subcommittee of the Joint Committee of Fifteen, permitting Tennessee readmission to the Union was about to be adopted, Stevens "calmly announced that his opinion as to the expediency of such action had changed since the preceding day"; and that he had decided that a declaration of the power of Congress over reconstruction was the first duty

⁹Ibid., 318.

¹⁰Ibid., 307.

¹¹Globe, 3 et seq.

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of the committee. He then moved that all other business be postponed in order that he might offer the following resolution, upon which he asked immediate action:

"Be it resolved, by the House of Representatives, the Senate concurring, that in order to close agitation upon a question which seems likely to disturb the action of the government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven states which have been declared to be in insurrection, no senator or representative shall be admitted into either branch of Congress from any of said states until Congress shall have declared such states entitled to such representation."

The resolution was adopted.¹² Such was Stevens' sway over the committee-- even in the face of what seemed to be opposition. Johnson suspected that the appointment of the Joint Committee of Fifteen was a design against him and his policy. When Stevens foiled his attempts to seat the Tennesseans, the President still hoped that the Senate would refuse to concur in the action of the joint committee. When it did not refuse, he felt sure that Stevens and Sumner had made extensive plans against him.¹³ His consistent refusal to compromise with Congress resulted in his losing the support of even the conservative senators. Gradually, Fessenden and Grimes inclined to the radical measures of Stevens and his colleagues. As long as there was no open breach between the President and Congress, Stevens feared an adjustment between them which would upset his own plans for reconstruction of the seceded states; so he and his followers took every opportunity to anger

¹² Kendrick, 71.

¹³ Ibid., 228.

Johnson.¹⁴

On December 18, 1865, Stevens, in a speech in Congress, criticized both Lincoln and Johnson for having assumed the position that reconstruction was within the province of the President of the United States. Quoting Article IV of the Constitution, he said:

"New states may be admitted by Congress into this Union....The United States shall guarantee a republican form of government".

He then asked; "Who is the United States?" He declared that it was neither the judiciary nor the President; "but the sovereign power of the people exercised through their representatives in Congress, with the concurrence of the Executive."¹⁵ McCall states that Stevens' speech mortally offended the Administration and deeply wounded Johnson.

Henry J. Raymond attempted to defend Johnson but failed to shake the logical position held by Stevens, that the rebel states must be governed by the laws of war as conquered provinces.¹⁶

The legislatures of Mississippi, South Carolina, Alabama, and Florida passed laws which permitted the creation of special crimes and imposition of special penalties upon Negroes.¹⁷ People in the North felt that emancipation would be nullified to a great extent by the state laws, if the making of the laws was left exclusively to the former owners of the Freedmen. The

¹⁴Ibid., 229.

¹⁵McCall, 121.

¹⁶Ibid., 264.

¹⁷McCall, 250.

opinion spread that freedom of the Negroes must be safeguarded with the ballot.¹⁸ Schouler asserts that Northern sentiment yielded to such phrases as:

"The Negro needs the ballot for his self protection; they, at least, who handled a musket, can surely handle a ballot; the Negro vote of the South will always be cast for loyalty to the Union and to the party which preserved it and brought it racial freedom."¹⁹

Johnson's Cabinet appeared to be evenly divided on the proposal to grant suffrage to Negroes. Johnson was not friendly to Negro suffrage but was willing to see such Negroes admitted as voters who could read the Constitution and write their names, or who paid taxes on as much as two hundred and fifty dollars worth of property. He did not make this concession because he believed either that the Negro was politically capable or that he should be admitted to the rights of manhood, but solely as a means of preventing the radicals from keeping the rebel states from renewing their relations to the Union. He stated positively that even qualified Negro suffrage should be decided by the state; that the Federal power could not prescribe suffrage rules.²⁰ Sumner in the Senate was hostile to Johnson's plan. He urged the importance of suffrage and civil rights for the Negroes and gave vivid descriptions of the outrages perpetrated against them by the whites of the South. The report of Carl Schurz on conditions in the South was called for by the Senate and helped to create sentiment against the President.²¹ Before the

¹⁸Ibid., 225.

¹⁹James Schouler, History of the United States (New York, 1913), VII, 38.

²⁰Woodburn, 333.

²¹Ibid., 305.

59th Congress convened, Thaddeus Stevens wrote the President to wait for Congress and take no initial steps at all in reconstruction. Later he wrote: "No one of the Northern leaders approves of your policy." Medill, of the Chicago Tribune, sent a letter telling Johnson that "the great doctrine of equal rights will prevail" and admonishing him not to go back on those who had elected him.²² The action of Congress in repudiating his course and overturning civil governments in the South was a blow to the President. He had expected opposition from the radicals but not from the moderates; and he was particularly wounded because it seemed to him that Congress was more interested in the success of the Republican party than in the welfare of the country.²³

"The differences between the President and Congress were basic."²⁴

Johnson was opposed to any fundamental changes in the Constitution. Congress, legislating for the protection of the emancipated Negroes, in February 1868 passed the Freedmen's Bureau Bill, extending the power and enlarging the staff of the bureau.²⁵ The original act establishing the Freedmen's Bureau was passed on March 3, 1865. The Bureau was established under conditions of war; was made a branch of the war department; and the act was to expire one year after cessation of hostilities. The object of the bureau was to protect and support Freedmen within the territory controlled by the Union forces. Those who were destitute were to be supplied with clothing

²²Schouler, 39.

²³Winston 321.

²⁴Ibid., 369.

²⁵Woodburn, 355.

and fuel. Vacant lands were to be parcelled out to Freedmen and refugees; the limit to any one individual was forty acres; and protection in the use of the land was promised for three years. The Congressional committee was of the opinion that without the bureau Negroes would not receive fair prices for their labor and would hardly live in safety.²⁶ Winston claims that the bill passed by Congress in February 1866 was formulated on the Stevens idea that the South was conquered territory, and was a blow to Presidential reconstruction.²⁷ On February 19, 1866 the President vetoed the bill. This veto officially opened the breach between him and Congress.²⁸ The bill had passed the House by a vote of 137 to 33 and the Senate by 37 to 10, but it was defeated after the veto.²⁹ The Senate sustained the veto by a narrow margin³⁰ and Johnson and his supporters thought that this triumph would check the progress of the radicals against him;³¹ but on the same day that his veto was sustained, the House, led by Thaddeus Stevens, adopted a concurrent resolution which declared that no senator or representative should be admitted from any seceded state until Congress had declared the state entitled to representation. The Senate adopted the resolution on March 2, 1866.

²⁶ Ibid., 369.

²⁷ Winston, 341.

²⁸ Woodburn, 355.

²⁹ Winston, 341.

³⁰ Woodburn, 355.

³¹ Winston, 341.

and the two houses were openly committed in opposition to the President's policy of reconstruction.³² Johnson was mistaken in his belief that the radicals alone were responsible for the Freedmen's Bureau Bill. The majority of the Republicans were in favor of such modifications of his policy as would give assistance to the Freedman.³³ He was of the opinion that the Freedmen's Bureau Bill was merely the first of many measures that would be advanced by his opposers in their efforts to thwart him, and determined to meet the issue firmly at the start.³⁴ In defending his veto, the President stated that the bureau was established as a war measure and a state of war no longer existed; that the act was unconstitutional as by it "the United States would assume functions on behalf of Negroes that it had never been authorized to assume on behalf of white men;" and that the legislation was undertaken while the states most affected were not represented in Congress.³⁵ Kendrick affirms that had Johnson based his veto solely on inexpediency and unconstitutionality, the conservatives would hardly have swung so immediately to the side of the radicals. His criticism of legislation by Congress while the rebel states were unrepresented was the deciding factor in alienating them at the time and causing the eventual withdrawal of their support.³⁶

³² Woodburn, 366.

³³ Kendrick, 235.

³⁴ Winston, 325.

³⁵ Woodburn, 370.

³⁶ Kendrick, 236.

The New York Sun did not consider that the difference between the President and Congress was sufficient to justify a veto, and held that the veto could only be explained on the grounds that the President had his own policy of restoration of the seceded states and Congress had its own.³⁷ The New York Tribune of February 20, 1866, announced its opinion that President Johnson's mistake was a grave one and, as a consequence of his action, he must assume responsibility for any subsequent wrongs or indignities that might be inflicted on the Freedmen.³⁸ The Chicago Republican considered the veto as producing an irreparable break between the President and Congress, and charged him with refusing consent to a just and necessary measure.³⁹ The Boston Advertiser did not see how Congress could decline to meet the issue openly and firmly, "relying on the certain support of the great majority of the American people who would adhere to a course required by self respect and public safety."⁴⁰ Though few of the Republican papers of the country were supporters of the radicals, all of them supported the principles of the Freedmen's Bureau Bill and deplored the President's action in vetoing it.⁴¹

Senators Fessenden, Grimes, Henderson, Sherman, Bingham, and other conservatives, both in Senate and the House were personally fond of the President and regretted his action in vetoing the bill, which action left him no other course to follow than that of Stevens, Sumner and their radical

³⁷ Ibid., 235.

³⁸ Ibid., 236.

³⁹ Ibid., 237 (Quoted in New York Tribune, March 3, 1866).

⁴⁰ Ibid., 238.

⁴¹ Ibid., 236.

colleagues.⁴² Fessenden declared that he had given evidence of this desire to support the President to the best of his ability, when he had supported Johnson in war measures for which no constitutional authority could be found; but he felt that the time had come "when Congress must revert to its original position."⁴³

Thaddeus Stevens quickly took advantage of the effect of the President's veto of the Freedmen's Bureau Bill by attempting to push the resolution through the House of Representatives and the Senate. He knew that if this could be done, the rupture with Johnson would be considered final. The proceedings in the House on February 20, 1866 when Stevens manipulated what has been called the railroading of the resolution are recorded in seven full pages of the Congressional Globe⁴⁴ and in the leading newspapers of February 21, 1866.⁴⁵ He presented the resolution; the previous question was called; radical members either were angry or pretended to be; and points of order were unnoticed or ruled against. When the Democratic floor leader, Eldridge, suggested to Stevens that the Democrats would be willing to go on with business if he would withdraw the previous question, Stevens replied that it was merely the return of the rebels of 1861; he had once sat through a similar scene for thirty-eight hours and was then ready to sit for forty hours. The Democrats pleaded vainly for only one hour for debate. After six hours, they gave up the contest; the vote was taken and the resolution

⁴²Winston, 391.

⁴³Kendrick, 148; Globe, 2nd sess., 39th Cong., 27.

⁴⁴Globe, 943-950.

⁴⁵Kendrick, 239.

passed 109 to 40. Only eight Republicans voted with the Democrats, about thirty had absented themselves. The next day, however, Stevens moved to reconsider the vote, and the absentees under his influence were forced to vote affirmatively.⁴⁶ Thus, three-fourths of the House followed Stevens' leadership against the President's policy.⁴⁷ On February 21st, when Fessenden, in the Senate, moved the postponement of the regular business in order to take up the resolution, an objection caused it to be postponed until February 23rd--since February 22nd was a holiday. On February 23rd, Fessenden again moved to lay aside the regular order of business and consider the resolution. John Sherman, from Ohio, objected, claiming that the Senate was in a great excitement and "the debate would needlessly irritate the controversy." Fessenden replied that, personally, he was calm and was "unaware of any effort to provoke a wrangle with the President." Over the protests of Sherman and others, Fessenden's motion prevailed.⁴⁸ On March 2, 1866 the resolution was passed by a vote of 29 to 18; even Sherman, who had spoken against it, voted for it.⁴⁹ Its adoption by the Senate was really an ultimatum by the radicals that they intended to oppose Johnson and had no thought of any cooperation with him. The conservatives were notifying him

⁴⁶Globe, 966.

⁴⁷Kendrick, 240.

⁴⁸Ibid., 243, 244.

⁴⁹Globe, 1147.

that he must pay some respect to Congress.⁵⁰

On several occasions, President Johnson and Thaddeus Stevens personally attacked each other in public speeches. The President's friends were embarrassed by his actions; Stevens' sarcastic remarks amused and pleased the radicals. When Johnson lost his temper and berated him, Stevens, without apparent effort, ironically praised the President and caused him to appear ridiculous. In his speech of December 18, 1865, Stevens spoke of the legislatures of the President's reconstructed states as "an aggregation of white-washed rebels, who, without legal authority, have assembled in the capitals of the late rebel states and simulated legislative bodies".⁵¹ Kendrick considers that it was most unfortunate for Johnson that in January 1866, the bill which provided for unqualified suffrage in the District of Columbia was not passed; as its passage would have caused the country to sustain him in his efforts, while certain defeat awaited him on such issues as the Freedmen's Bureau and Civil Rights Bills and the Fourteenth Amendment. On January 31, 1866, Stevens informed the House of remarks, reported in the newspapers of January 20th, and reputed to have been made by Johnson to "a distinguished senator", that he intended to veto the bill to provide unqualified suffrage in the District of Columbia. Stevens declared that the statement was meant as a proclamation from the President, in violation of the privileges of the House; "made in such a way that centuries ago, had it been made to parliament by a British king, it would have cost him his head". He concluded his speech with the remark: "but we are tolerant of usurpation in this tolerant

⁵⁰ Kendrick, 249.

⁵¹ McCall, 263.

government of ours."⁵²

On February 22, 1866, Johnson made what is known as his Washington's Birthday Speech. In it he arraigned Thaddeus Stevens, Charles Sumner, and Wendell Phillips as traitors; and said that they, like Jefferson Davis and Robert Toombs were destroyers of the principles of the government.⁵³ This speech cost him much popular support. The mass of Republicans proceeded to class him with the rebels and copperheads, who usually employed similar tactics. In his speeches made during his Swing Around the Circle, the President violently attacked Congress and, according to McCall, assumed that the only obstacles which stood between himself and a dictatorship were his own self control and his attachment to the Constitution.⁵⁴ He had previously denounced the Joint Committee of Fifteen as "an irresponsible central directory that had assumed the powers of Congress and was using them to keep the Southern States out of the Union."⁵⁵ In his speech at Cleveland, the President asked: "Why not hang Thad Stevens and Wendell Phillips?" and declared that "the powers of hell and Thad Stevens and his gang" could not keep him from his purpose.⁵⁶

On March 10, 1866, Stevens made a speech in which he seriously eulogized the President. He said that Johnson stood so firmly for the Union that no

⁵² Kendrick, 231.

⁵³ Edward McPherson, Political History of the United States (Washington 1880), 60,61; McCall, 265.

⁵⁴ Ibid., 281.

⁵⁵ Kendrick, 242.

⁵⁶ McCall, 281.

one could doubt his good intentions. Mr. Price, a radical from Iowa, interrupted him to ask if he were the same Thaddeus Stevens denounced by the President on February 22nd. Stevens asked if Price really thought the President ever made that speech. He declared that he was glad to have the opportunity to exonerate the President from ever having made it.⁵⁷ He then launched into a mock defense of Johnson; accused the Democrats of inventing the story; and asked permission of the audience to continue his "accustomed friendly position" with the President. The intended effect was produced. The Democrats⁵⁸ were much annoyed; the Republicans highly amused; and the President ridiculed.

The second attempt of Congress to secure the rights and protection of the Freedmen was associated with the Civil Rights Bill. The purpose of the bill was to establish equality of citizenship; to place the Negro on the same civil footing as the white man. It provided that all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, were to be recognized as citizens of the United States. On all these, regardless of class or color, were to be conferred the right to sue; to make and enforce contracts; to give evidence; to inherit, buy, lease, sell, hold and convey real estate and personal property; and to have the benefit of equal laws for the security of life and liberty. This protection was to be executed through the operation of the civil courts. A penalty of one thousand dollars or a year's imprisonment was provided for anyone who discriminated against any citizen "on account of race, color or previous condition

⁵⁷ Ibid., 267; Kendrick, 261.

⁵⁸ McCall, 268.

of servitude."⁵⁹ This was the first time that the national government assumed to define and protect civil equality within the states and to support the idea that real civil liberty should be national.⁶⁰ Congress passed the Civil Rights Bill on March 13, 1866. Johnson vetoed it on March 29th. He believed in the doctrine of state's rights; consequently, his veto was a part of his determined opposition to a Congress which did not accept his plans.⁶¹ In his veto of the bill he said that its details were dangerous; that time⁶² only could adjust the relations between the Negroes and their former masters. The bill was passed over the President's veto by a very narrow margin in April 1866. On April 6, 1866, the veto was overridden in the Senate by a single vote. In the House, under the management of Thaddeus Stevens, the vote was one hundred and twenty-two to forty-one, twenty-one members not voting. By the application of the previous question, Stevens avoided any debate.⁶³ This was the first instance on record of Congress over-ruling the veto of the President upon a constitutional question.⁶⁴ Winston claims that the radicals were now very joyous; that "Stevens and Sumner had crossed the Rubicon and taken the entire army with them."⁶⁵ Woodburn asserts that the principle of human equality was deeply embedded in Stevens and that he always

⁵⁹Woodburn, 371.

⁶⁵Ibid., 350.

⁶⁰Ibid., 372.

⁶¹Ibid., 373.

⁶²Winston, 378.

⁶³Woodburn, 377.

⁶⁴Winston, 349.

showed loyalty to the cause of fundamental democracy.⁶⁶ Rhodes is of the opinion that Johnson was earnest in his desire that Negroes should be properly treated; and states that the President enforced all statutes relating to the Negro, though he had previously vetoed such statutes.⁶⁷ On April 14, 1865, Harpers Weekly--one of the last papers to give up hope of reconciliation between the President and Congress--made the announcement that the President must understand the inability of the Union party to "accept indiscriminate support of all his views and measures as the test of constitutional fidelity". It also expressed regret the Johnson regarded the situation as a struggle between himself and Thaddeus Stevens.⁶⁸

Had President Johnson approved the Civil Rights Bill, he would probably have retained the support of many conservative Congressmen. Such men as Fessenden, Grimes, and Trumbull had expressed a willingness to cooperate with him but felt that he should agree that the basis of representation should be changed; that Negroes should be secured in their civil rights; and that Congress did have authority over the rebel states while they were still unrepresented, and over the question of reconstruction.⁶⁹ Stevens foresaw the intentions of the conservatives, in case the President approved the Civil Rights Bill and the Tennessee resolution. Early in March, when the majority of Johnson's cabinet urged him to sign the Civil Rights Bill, Stevens decided to irritate the President into action which would weaken him irreparably, so on Saturday, March 10, 1866 he delivered the

⁶⁶Woodburn, 383.

⁶⁸Kendrick, 238.

⁶⁷Rhodes, 27.

⁶⁹Ibid., 251.

speech--spoken of before in this paper--which produced the desired result.⁷⁰

After the passage of the Civil Rights Bill a veto of the President was "little more than an idle formality, to be promptly brushed aside by the great Republican vote of the two Houses, and the will of Congress became absolute."⁷¹

⁷⁰ Ibid., 259.

⁷¹ McCall, 271.

CHAPTER XII. STEVENS AND THE FOURTEENTH AMENDMENT.

Radicals realize necessity of Congressional
plan---Stevens and the Robert Dale Owen plan---
Action of Joint Committee---Stevens introduces
bill in House---Senate modifies original form
of amendment---Stevens' opposition to change---
Passage of modified amendment.

CHAPTER XII

STEVENS AND THE FOURTEENTH AMENDMENT

The chief measure evolved by the Joint Committee of Fifteen was the Fourteenth Amendment.¹ The testimony taken by the sub-committees which were appointed by the Joint Committee on January 15, 1866 was used as the raison d'etre of the Fourteenth Amendment.² This testimony was taken from January 20th until the end of April and was the first inquiry by congressional committees into conditions in the South after the Civil War. The testimony was taken from army officers who had been in service in the South, from Freedmen's Bureau agents, from so-called refugees, and from congressmen-elect from the southern states. All of the witnesses were examined in Washington. The army officers, Freedmen's Bureau agents, and the refugees were anxious for Congress to disregard the President's reconstruction work in the South, and provide governments there similar to those in Tennessee and Missouri, where only loyalists could vote.³ After having heard the testimony, even the most conservative Republicans believed that such guarantees as were later embraced in the Fourteenth Amendment, should be included. They were:

"equality of civil rights without regard to race or color: the validity of the United States debt, including debt incurred for payment of pensions and bounties; the repudiation of all rebel debts and a denial of the validity of claims for slaves emancipated, as property destroyed during the war; exclusion of the more prominent rebels

¹Kendrick, 18.

²Ibid., 264. This testimony was also used as campaign material in the election of 1866. 150,000 copies were printed and distributed by senators and representatives among their constituents.

³Ibid., 265.

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from office; and a more equitable basis of representation."⁴

Such radicals as Stevens, Boutwell, and Washburne were anxious that suffrage be granted to all Negroes and that rebels be disfranchised. They considered that this would insure the election of loyal members from the southern states. Testimony had proved that the Negroes were almost the only loyal group in the South, and that they could be depended upon to vote for those who had secured their freedom and rights. Having decided on the measures to be recommended to Congress, the Committee of Fifteen prepared the Fourteenth Amendment.⁵

Opponents of Congress criticised it for opposing Johnson's policy of reconstruction when Congress offered no plan of its own. When it became evident that harmony between the President and Congress could not be expected, even the supporters of Congress became impatient because a plan had not been set forth by that body. Radicals were apprehensive that unless the Republicans adjusted their own differences and agreed upon a policy of reconstruction, Johnson's plan would become permanent. Radical journals and newspapers urged the immediate making and presentation of a plan opposed to that of the President.⁶ On April 20, 1865, the Nation, in an editorial, warned Congress that unless the members would soon unite and present some adequate plan, the public would let the President carry out his plan. The New York Tribune, on April 21st, appealed to Congress for an immediate plan, and suggested that resolutions offered by Senator Stewart, of Nevada, might supply a good basis for a plan. Stewart had sustained Johnson's veto of the Freedmen's Bureau

⁴Ibid., 266.

⁵Ibid., 290.

⁶Ibid., 292.

Bill, with the understanding that he would not veto the Civil Rights Bill, and turned against the President when he failed to keep his word.⁷ Stewart's resolution, introduced on April 12, 1866, provided for impartial suffrage and equality in civil rights; declared invalid any claims for emancipated slaves; declared also that ratification of the foregoing amendment would entitle such states to resume their former relations with the government, and that a general amnesty would exist to all persons in such states who had in any way been connected with the rebellion.⁸ On April 16, Stewart discussed his proposition with the members of the House, but since it would neither decrease the number of the southern representatives nor give any appreciable portion of them to the radicals, the measure was not accepted by the radicals.⁹

The committee also considered a plan proposed by Robert Dale Owen, an English radical who had come to the United States a few years before the Civil War. In the Atlantic Monthly for June 1876, Owen published an article in which he related how he came to propose a plan of reconstruction and how it came to be endorsed by Thaddeus Stevens. His proposition of a "joint resolution proposing an amendment to the Constitution, and to provide for the restoration of the states lately in in-surrection, to their full political rights," contained five sections. Section one guaranteed equal civil rights to all persons in the United States. Section two provided suffrage for all, regardless of race, color, or previous condition of servitude. Section three

⁷Winston, 348, 384; Globe, 1753, 1754.

⁸Ibid., 1906.

⁹Kendrick, 293.

provided that no class of persons who had been denied suffrage because of race, color, or previous condition of servitude should be excluded in the basis of representation until July 4, 1876. Section four forbade payment of the Confederate debt or of claims for loss of slave labor. The fifth section gave Congress power to enforce the provisions of the article, by appropriate legislation. Owen states that Stevens, after carefully reading the manuscript, said: "I'll be frank with you, Owen. We've had nothing before us that comes anywhere near being as good as this, or as complete". Stevens said further that on the following day he would lay the amendment before the committee and was of the opinion that it would probably pass. Fessenden, Bingham, and Boutwell approved the resolution; Washburne, Conkling, and Howard were enthusiastic over it. In fact, most of the Republicans on the committee favored the resolution, but the Democrats did not. Courtesy to Fessenden, who was sick with varioloid, caused a delay in the report being transmitted to Congress and the committee abandoned the plan.¹⁰ Stevens explained that the committee lacked "backbone enough to maintain its ground" against the opposition to Negro suffrage being included in the Republican platform for the coming election; that Republican caucuses held in New York, Illinois, Iowa, and Indiana had been afraid of inserting a clause advocating Negro suffrage.¹¹ Owen said that he was much mortified by the result, but could not restrain a smile when Stevens, who thought that Fessenden's presence in the meeting might have helped in securing adoption of the resolution, exclaimed: "Damn the varioloid! It changed the whole policy of the country."

¹⁰ Ibid., 300.

¹¹ Ibid., 301.

Kendrick observes that Owen's feeling that Stevens committed himself almost wholly to the plan was probably erroneous, as Stevens himself, was in favor of much more stringent bills for disfranchising rebels; that he cared little for the Fourteenth Amendment, as actually adopted, and did not intend it to serve permanently as a settlement of the reconstruction problem--but merely as a party platform.¹² Owen's plan was to some extent, used as a model for the amendment; though in avoiding the issue of Negro suffrage, the committee made many changes from the original Owen plan.¹³

The Fourteenth Amendment as finally adopted contains five sections. Section one declares that all persons who are citizens of a state are likewise citizens of the United States, and that no state shall make any laws which shall abridge the rights of such citizens; or deprive any person of life, liberty or property, without due process of law, nor deny the equal protection of the laws. Section two provides that representation shall be apportioned according to population, but if the right to vote is denied, the representation shall be accordingly reduced. Section three deprives of holding office all persons who previously had taken oath, in certain capacities, to support the Constitution, and had afterwards engaged in rebellion. The disability might be removed by a two-thirds vote of each House. Section four establishes the validity of the debt of the United States and prohibits any payment of the Confederate debt or of any claim for emancipated slaves.

¹²Ibid., 302.

¹³Ibid., 303.

Section five authorizes Congress to enforce the amendment by appropriate legislation.¹⁴

Thaddeus Stevens reported the bill to the House of Representatives on April 30, 1866. On the same day, it was reported by Fessenden to the Senate.¹⁵ President Johnson made no concealment of the fact that he opposed the amendment.¹⁶ On May 8, Stevens opened the debate on the resolution. He stated that the proposition was not all that was desired, and was indeed far from what he, personally, wished but was probably all that could be obtained. Speaking of Sumner's opposition, he expressed regret that the first amendment, on the basis of representation, had been "slaughtered in the house of its friends by a puerile, pedantic criticism and by a perversion of philological definition." He explained that section one meant simply that the law should operate similarly for whites and blacks and would abolish the black codes; and section three was the most important of all, its only drawback being its leniency. He insisted that instead of being too stringent by setting 1870 as the time after which rebels might exercise power in the government, 18070 would be more appropriate.¹⁷ Practically every Republican, and many Democrats who spoke on section three either expressed opposition to the principle or against the probability of its enforcement.¹⁸ When

¹⁴Winston, 398; McCall, 271, 272.

¹⁵Winston, 349.

¹⁶Ibid., 350.

¹⁷Globe, 2459, 2460.

¹⁸Ibid., 2533.

it seemed that section three would be stricken out, Stevens made a speech which gave undeniable evidence of his powers of invective and effective appeal to partisanship. This speech undoubtedly caused the section to be retained--though by narrow margin of 84 to 79.¹⁹ To the members of his party, he made the plea: "When party is necessary to sustain the Union, I say rally to your party." Contending for the retention of the section, he said, "Give me the third section, or give me nothing." On May 10, the amendment, as reported by the committee, passed the House by a vote of 137 to 37.²⁰

No action was taken in the Senate until May 14.²¹ In the meantime, on May 2, Senator Dixon who classed himself as a Republican, stated his intention to offer the following substitute:

"Resolved, that the interests of peace of the Union require the admission of every state to its share in public legislation whenever it presents itself in an attitude of loyalty and harmony; but in the persons of representatives whose loyalty cannot be questioned under any constitutional or legal test."

He contended that what the country needed was a practical method of hastening the reestablishment of all the states in their full constitutional relations, and that the committee's plan would cause delay. His plan evidently received no consideration as it was not heard from after he and Sumner had an argument about it on May 2.²² On May 10, Stewart moved that section

¹⁹Ibid., 2545.

²⁰Ibid., 2545.

²¹Ibid., 2545.

²²Kendrick, 309.

three be stricken out, and offered an additional proposition for defining citizenship.²³ Fessenden was still ill from the varioloid, so Senator Howard of Michigan presided in his stead. He expressed regret that section two was necessary, but, since it was expedient, he defended it. He objected to the third section because he believed it would accomplish nothing as the rebels would still be permitted to vote for members of the state legislature, and they, in turn, could select the presidential electors. Senator Wade of Ohio suggested replacing section two with the old resolution on representation, which was based on the number of voters and which had been defeated previously. He recommended that section three be stricken out, and the addition of a clause, declaring the validity of the National debt--including debts incurred for pensions and bounties--to section four would strengthen the amendment.²⁴ Senator Sherman moved to replace sections two and three with clauses for apportioning representation according to the male voters, and direct taxes according to property values in each state.²⁵ On May 29, the Republicans held a caucus of several hours length, with the result that they finally adjusted their differences in regard to the provisions of the amendment.²⁶ On May 30 Reverdy Johnson, of Maryland, protested against section three. He asserted that it struck at the men who were most influential and who could bring about the desired end. Thomas Hendricks, Democratic Senator from Indiana, on June 4, spoke bitterly against the policy of deciding in a party caucus such an important matter as a constitutional amendment. He explained

²³Globe, 2560.

²⁴Kendrick, 312.

²⁵Globe, 2804.

²⁶Kendrick, 315.

how twenty Republicans voting for the amendment could bind the other nineteen.²⁷ There were forty nine members in the Senate--thirty-nine Republicans and ten Democrats.²⁸ Though the amendment was debated for three more days, and a number of Republicans expressed disapproval of it as a settlement of the question of reconstruction, all efforts to make further changes in it were of no avail against the decision reached in the party caucus.²⁹ On June 8, 1866, the vote resulted in 33 yeas and 11 nays. Five days later, Thaddeus Stevens, in the House, sadly announced the concurrence of the majority party with the amendment of the Senate.³⁰

The Fourteenth Amendment was proposed June 16, 1866. "Its ratification by the ten states that were in insurrection in March 1867, was made a condition of their being formally restored to the Union." The amendment was ratified on July 28, 1868.³¹

President Johnson's failure to endorse the Fourteenth Amendment is considered one of his greatest mistakes and is pointed to as an evidence of obstinacy.³² His hostility to the amendment produced a crisis in his cabinet and resulted in the resignation of three members.³³

Southern sentiment was unfavorable to the amendment and the majority of

²⁷Globe, 2938-2942.

²⁸Kendrick, 316.

²⁹Ibid., 319.

³⁰Globe, 3144-3149.

³¹B.A. Hinsdale, The American Government, National and State (Chicago, 1905), 362.

³²Winston, 353.

³³McCall, 277.

the seceded states inclined to rejection of it.³⁴ The New York Herald of June 12, 1866, said of the amendment, as modified by the Senate: "There is nothing here obnoxious to public opinion in the way of Negro suffrage, while the alternative suggested will be satisfactory to the North." The Herald evidently saw that neither Stevens nor his radical colleagues regarded the amendment as a finality; and it offered the suggestion to the President that, in order to defeat their schemes for Negro suffrage and confiscation, he unite with the conservatives as Fessenden and Bingham, who considered the amendment as a finality; urge the southern states to ratify it; and reorganize his cabinet with able conservative men. It further suggested that he adopt a strong foreign policy toward France and England and thus divert attention from irritating domestic problems. Kendrick comments that Johnson would not accept any such advice, and pushed into more serious difficulties while "Thaddeus Stevens, grim and disappointed over the modified form of the amendment, shrewdly continued to plan more radical and binding plans."³⁵

³⁴James Schouler, History of the United States (New York, 1913), VII, 85.

³⁵Kendrick, 352.

CHAPTER XIII. RECONSTRUCTION PLANS AND THE GREAT RECONSTRUCTION ACTS.

Stevens' first and second reconstruction bills---Raymond's criticism---Territorial governments proposed---Stevens and the Blaine amendment---The Wilson Proviso---The Shellabarger amendment---Johnson's dissent---Passage of the bill.

CHAPTER XIII

RECONSTRUCTION PLANS AND THE GREAT RECONSTRUCTION ACTS

During the political campaign which followed the passage of the Fourteenth Amendment, some Republicans referred to it as the final provision for reconstruction; others, as merely a step towards it. The remarks made varied principally according to the constituency of the speaker. Radicals in Ohio, Indiana, New York and other doubtful states, spoke of it as a generous offer to the South which would assure restoration, if ratified; but in such decidedly radical states as Michigan, Wisconsin, and Iowa and in the New England states, it was not regarded as a finality. The Fourteenth Amendment was probably the most valuable cause contributory to the success of the radicals in this campaign.¹ Contrary to the usual procedure when the presidency is not at stake, national conventions were held. The demonstrations in favor of Johnson were supported by groups which were so antagonistic that they "either neutralized each other or produced popular ridicule."² The group which met to denounce the President's policy, and which was composed mainly of the most conspicuous volunteers in the War for the Union, was successful in gaining popular approval of the radical policy in Congress. As the campaign progressed, agitation in favor of granting suffrage to Negroes in order to safeguard their freedom, became more marked. Popular feeling accorded with Thaddeus Stevens' ideas that a policy must be followed which in no way even appeared to be surrendered to the rebel doctrines and methods.³

¹Kendrick, 353.

²McCall, 278.

³Ibid., 279.

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The great question before Congress was how to put through an amendment protecting the rights of the Freedmen, despite the southern states.⁴ Secretary Gideon Welles thought that this would finally be done as Stevens suggested, by disregarding the southern states. He was of the opinion, however, that even if the southern states were banned by Congress, and declared territories, the radicals would not have completely accomplished their purpose; as the Freedmen in the South would still be, to a considerable extent, at the mercy of their former owners.⁵ According to Winston, Congress planned to coerce the South and enforce its plans--which were to enfranchise the Negroes, disfranchise the whites, and refer the Fourteenth Amendment to an electorate composed of Freedmen, "scallawags, carpetbaggers, and a few decent whites."⁶

As a cautious practical politician, Thaddeus Stevens had for some time realized that in order to be successful in the coming elections, his party must not be faced with the charge of being obstructionists and of having no plan of its own. After the change of section three from the old form to the new, he was unwilling to risk passing the restoration bill. Radical journals like the Independent and the Nation caused him to feel that his party could safely advocate a thorough reconstruction for the rebel states.⁷ So on May 28, 1868, Stevens introduced into the House his first bill for reconstruction of the rebel states.⁸ It was really a substitute for the restora-

⁴Winston, 395.

⁵Ibid., 396.

⁶Ibid., 397.

⁷Kendrick, 330. In a footnote, Kendrick explains that during May, 1866 radical journals continued to urge Congress to name a plan based on exact justice.

⁸Ibid., 331; House Journal, 637.

tion bill. It recognized the governments established by the President as de facto and valid only for municipal purposes; in the state conventions the members must be elected by all male citizens, regardless of race or color; all persons who had held office under the so-called Confederate governments or had taken the oath of allegiance to it were declared to have forfeited citizenship and, in order to become citizens, must be naturalized just as other foreigners. In addition, unless all citizens were accorded equality in civil and political rights, the state would lose its right to representation. Compliance with the provisions would entitle senators and representatives to admission to Congress. The bill was ordered printed but was not acted upon at the time.⁹

On May 29, Senator Ashley of Ohio offered an amendment to the committee's restoration bill, but the bill was laid on the table on that same day in the Senate and was not heard from again. In the House on June 11, Representative Kelly of Pennsylvania introduced a substitute for the restoration bill. His substitute received little consideration but the restoration bill was debated from June 14 to June 20, on which date Stevens suggested that the bill be disposed of by taking a vote immediately.¹⁰ There was an objection and it was laid on the table. On July 20, Stevens, with a pretended earnestness, asked it be put on its passage and attempted to avoid debate by moving the previous question. His followers realized that he was not in earnest and did not second the previous question. "Thus sank into eternal sleep the

⁹This bill was printed in full in the Nation, June 5, 1866.

¹⁰Globe, 3208 et seq.

luckless restoration bill."¹¹ Finally, on July 28, the last day of the session, Stevens succeeded in bringing up his bill for the purpose of amending it and making some remarks concerning it. His amendment placed the responsibility of calling the conventions in the southern states upon the President; thus the existing governments were not recognized even for municipal purposes. Stevens' speech in behalf of this bill is spoken of as one of the noblest and most pathetic of his career. One who reads it cannot doubt his honesty and sincerity as he appeals to his colleagues to support his plan for recreating the political, industrial and social institutions of the seceded states. The majority of the Republicans were, however, afraid to enter the approaching campaign upon such a radical issue as was involved in his bill.¹²

Radical ideas showed remarkable growth during the last session of the 39th Congress. In December 1866 a majority of the Republicans advocated adherence to the Fourteenth Amendment as a final condition of reconstruction. When Congress met after the holidays, the majority of the senators and representatives did not favor the imposition of Negro suffrage on the South by military force, yet in March 1867, two-thirds of Congress passed the Thorough Bill over the President's veto.¹³ The rejection of the Fourteenth Amendment by the South; the sentiment against Negroes in the rebel states; and animosity to Johnson on account of his policy and because of his wholesale removals of Republicans from office, "enabled the partisan tyranny of

¹¹Kendrick, 334.

¹²Ibid., 337.

¹³Rhodes, 30.

Stevens and the pertinacity of Sumner to achieve this result".¹⁴ Dunning, in speaking of Thaddeus Stevens and leadership, says:

"Stevens, truculent, vindictive, and cynical, dominated the House of Representatives in the second session of this Congress with even less opposition than in the first. A keen and relentlessly logical mind, and ever-ready gift of biting sarcasm and stinging repartee, and a total lack of scruple as to means in the pursuit of a legislative end, secured him an ascendancy in the House which none of his party associates ever dreamed of disputing."¹⁵

Sumner, in the Senate, wielded influence a different way. He was an idealist who preached his doctrines "without intermission and forced his colleagues, by mere reiteration, to give them a place in law".¹⁶ Because only a small proportion of the radicals were whole-heartedly attached to their plan of reconstruction, Stevens and Sumner found no difficulty in taking the lead in another plan.¹⁷ They had an excuse in the fact that many of the rebel states refused to ratify the Fourteenth Amendment. When Congress met on December 3, 1866, three of the rebel states had already rejected the amendment, and the other seven did so during the next two months.¹⁸ On December 4, Charles Sumner informed the Senate of his intention to introduce, at an early date, resolutions declaring the existing governments in the seceded states illegal, and excluding those states from representation in Congress and from voting on constitutional amendments.¹⁹

¹⁴Ibid., 31.

¹⁷ Kendrick, 355.

¹⁵Dunning, 86.

¹⁸Ibid., 354; Rhodes, 13.

¹⁶Ibid., 87.

¹⁹Globe, 2nd sess., 39th Cong., 7.

Frequently, during the entire second session of the 39th Congress, southern loyalists in Washington were relating stories of the hardships and dangers which they and the Negroes encountered at the hands of the rebels in the South. They asked protection of Congress. Thaddeus Stevens conversed with many of them and, on December 19, 1866, introduced a bill which had that end in view. It was not debated until January 1867 and, meantime, had been amended. The bill, intended to be a substitute for the restoration bill, was long and somewhat complicated.²⁰ The substance of the eight sections of which it was composed was: the southern states having forfeited their rights under the Constitution, could be reinstated only by Congress; and a method for this reinstatement was set forth. The governments established by the President were recognized as valid only for municipal purposes, provisions being made for holding new state conventions and forming and adopting constitutions.

A new electorate was created in the process of erecting states and all male citizens over twenty one years of age were included; but persons having held office under the Confederate government had forfeited their citizenship and were denied suffrage until five years after applying for citizenship, renouncing allegiance to all other governments, and swearing allegiance to the government of the United States.²¹ Section seven contained the provision:

"All laws shall be impartial, without regard to language, race or former condition. If the provisions of this action should ever be altered, repealed, expurged, or

²⁰Kendrick, 357.

²¹Woodburn, 444.

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the rejection of the Fourteenth Amendment by the southern states, so many differences arose when the details of any measure were considered that no additional act of reconstruction would probably have been passed at this session had it not been for the astounding energy and the "able and despotic parliamentary leadership of Stevens."²⁶ In the speech which he made on January 3 in behalf of the adoption of his bill, Stevens urged that the House come to an early conclusion as to what should be done with the rebel states. He declared that conditions were progressively getting worse and referred to the Milligan case, wherein the Supreme Court held martial law unconstitutional except where the action of courts was impossible, as "more infamous and dangerous than the Dred Scott decision."²⁷ He explained that his bill was designed to assist loyal men to form governments that would be placed in equally loyal hands and that it denied to the President any power to create new states, dictate organic laws, fix the qualification of voters or determine that states are republican. He declared that Congress has all power other than executive and judicial; "though the President is Commander-in-chief, Congress is his commander...."; that the government of the United States is a government of the people and that Congress is the people.²⁸ He stated that suffrage was a step forward for the Negro; and that he considered equal rights to justice and fair play the law of God, which should be made the law of man.²⁹

²⁶Ibid., 14.

²⁷Kendrick, 363; Woodburn, 445.

²⁸Ibid., 447.

²⁹Ibid., 448.

Bingham advocated a less radical program; Spaulding of Ohio, who complained that whenever he took the floor he was subjected to Stevens' caustic criticism, offered a resolution in which the committee was requested to consider again proposing admission to the southern states if they ratified the Fourteenth Amendment.³⁰ On January 16, Bingham denounced the contention of Stevens and other radicals that Congress was not bound by the terms of the Fourteenth Amendment in making final settlement of the question of reconstruction. He also refused to admit Stevens' conquered province theory.³¹ Eldridge, Democrat from Wisconsin, expressed the opinion that it was useless to attempt resistance to a caucus measure of the majority and asserted that it was obviously Stevens' intention to get rid of some of the Constitutional provisions.³² Hise, of Kentucky, condemned the whole bill as a scheme to destroy the political force and influence of the southern states as members of the Union, "devised by the adherents of a party who loudly professed devotion to free government."³³

On January 24, 1867, Henry J. Raymond, made an important speech on the bill. He maintained that if Johnson's policy had been fully and promptly carried out by the Republican party, it would have restored peace and would have, in great measure, settled many of the difficult problems of reconstruction.³⁴ He felt that in most states the people had not, during the recent campaign, endorsed the basic principles of Stevens' bill. In this

³⁰Ibid., 449.

³⁴Ibid., 373.

³¹Globe, 500-505.

³²Kendrick, 366.

³³Ibid., 373.

statement he referred to the provisions which deprived the southern state governments of legal authority, the extension of martial law in those sections, the suspension of the writ of habeas corpus, the universal enfranchisement of Negroes, and the partial disfranchisement of the whites. Concerning the two reasons given for abolishing the existing governments in the southern states, namely: their origin and their failure to protect the rights, liberties and property of their citizens, he considered that the states had been formed under as legal a manner as was possible under the circumstances; that "the usual procedure all over the world" was "to recognize de facto governments and respect their authority without too close inquiry into the legal aspect of their origin."³⁵ Raymond admitted that the existing governments did not protect the lives and liberties of the loyal whites and of the Negroes as fully as they should, but expressed doubt that the substitution of military governments would work a very helpful change. He said that if the Freedmen's Bureau, under the authority of the President could not keep order, it was improbable that the army under similar authority would be more successful. He suggested that the punitive section three, which had, in great measure, caused the southern states to reject the Fourteenth Amendment, be stricken out and one denying the right to secession be supplied in its place; and the amendment submitted in that form for their adoption. Further, he said if this were not agreeable to the majority, he would not oppose a resolution proclaiming the rebel states out of the Union and one

³⁵Ibid., 375.

declaring the Fourteenth Amendment officially adopted when ratified by three-fourths of the loyal states.³⁶ He asserted that Stevens' first bill was far preferable to the second one, which he declared was "the most violent the ingenuity of man could devise."³⁷

Woodburn states that Stevens proved more than a match for his opponents at every turn and "paid no attention to the President's spokesman--Mr. Raymond." Instead, he trusted his Republican colleagues who wished to delay or amend his bill. The sentiment of the country was so decidedly against Johnson that Stevens' taunts always made those who opposed him extremely uncomfortable.³⁸ After Raymond concluded his speech, Thaddeus Stevens remarked that since there was so much diversity of opinion on his side of the House, he might, on the next day, move to lay the bill on the table. He took no such action, however, but on that day, January 20, he proposed that if Bingham would withdraw his motion to recommit, he would throw the bill into the committee of the whole so as to allow five minute speeches concerning it. Bingham's refusal caused the radicals to fear that he might be able to muster sufficient strength to carry his motion.³⁹ On January 28, George M. Julian, an extreme radical and an abolitionist, suggested military governments as the most expedient method of at once providing protection for loyalists and Negroes in the South. Stevens, however, thought it well to test

³⁶Ibid., 376.

³⁷Woodburn, 467.

³⁸Ibid., 468.

³⁹Kendrick, 377.

his own strength in both the House and the committee before accepting Julian's suggestion.⁴⁰ On the same day, Bingham, with the help of the Democrats, succeeded in getting his motion carried by a vote of 88 yeas and 65 nays, 38 did not vote.⁴¹ During the second session of the 39th Congress, the Joint Committee of Fifteen, which had been reappointed on December 4, 1866, held only two meetings, one on February 4 and another on February 6. Stevens' bill was discussed at the meeting on February 4, but no conclusion was reached.⁴² Just before the meeting adjourned, Stevens offered a resolution that reconstruction of the southern states proceed according to the principles laid down in his bill; but when the vote was taken he realized his inability to bring a majority to adopt the principles contained in his bill as a basis for action. He then accepted Julian's idea of enacting a bill to establish military governments in the rebel states and waiting until the assembling of the 40th Congress before attempting further efforts toward reconstruction. He hoped that the 40th Congress would be more radical than the second session of the 39th.⁴³ Having decided to accept Julian's suggestion, Stevens, with his usual energy, championed a bill introduced by Senator George Williams of Oregon on February 4, Williams had been rated as a conservative but had later become a radical. His bill "to provide for a more efficient government of the insurrectionary states" became the basis of the military section of the Reconstruction Act of March 2, 1867. It is

⁴⁰Ibid., 378.

⁴¹Globe, 817.

⁴²Ibid., 915.

⁴³Kendrick, 379.

not found in any public document but was printed in full in the New York Herald, February 5, 1867. It contained five sections and provided: that each of the so-called seceded states should constitute a military district subject to military authorities of the United States; the General of the Army to assign the command to an officer not under the rank of brigadier-general, who would be furnished with a proper force; and in detail recited the procedure for affording protection of residents of the state and of maintaining order; permitted the issuance of habeas corpus when necessary, in behalf of military prisoners; and finally, that no sentence affecting the liberty or life of any person should be executed until approved by the officer in command of the proper district.⁴⁴ This bill was discussed in committee on February 6, verbally amended, and reported by Thaddeus Stevens to the House on the same day. Dunning explains that the bill consists of two distinct parts: four of its five sections provide for

"the establishment and administration of a rigorous and comprehensive military government throughout the ten states not yet restored to the Union; while the fifth declared that the restoration of the states should be effected only after reorganization on the basis of general Negro enfranchisement and limited rebel disfranchisement."⁴⁵

Garfield is said to have commented that "it was written with an iron pen, made of a bayonet".⁴⁶ When he offered the resolution, Stevens remarked that

⁴⁴Ibid., 380.

⁴⁵Dunning, 93.

⁴⁶Winston, 395.

it was "so simple, one night's rest after reading it is enough to digest it."⁴⁷ Because of the lateness of the session, Stevens refused the Democratic request that it be postponed until February 11, but consented to allow a reasonable time for the minority discussion. He evidently considered one day sufficient because he added the statement that he would demand the vote on the next day.⁴⁸ Debate on the bill continued late into the afternoon of February 6. Bingham moved to strike out the preamble and insert one he had offered in the committee; also to strike out the work so-called wherever it occurred before the word states; and offered an amendment giving the United States power to issue writs of habeas corpus without any exception for persons indictable and punishable by Federal law. He wanted the preamble changed in order to announce that military rule would continue only until the states accepted the Fourteenth Amendment.⁴⁹ Thaddeus Stevens persisted desperately in his attempt to get the bill passed without amendment. On February 8, he moved the previous question but Bingham, assisted by the Democrats, defeated him. For a week the bill was debated in the House.⁵⁰ Several amendments were proposed. The chief one was offered by James G. Blaine on February 12.⁵¹ Any amendment to the bill was utterly distasteful to Stevens. Since the opening of the first session of the 39th Congress he had made no secret of the fact that he advocated hard

⁴⁷Ibid., 396.

⁴⁸Kendrick, 380.

⁴⁹Ibid., 393.

⁵⁰Ibid., 393.

⁵¹Globe, 1182.

conditions for the readmission of the seceded states. This he felt⁶ was necessary in order to guarantee loyalty to the Union and to safeguard the rights and liberties of loyal whites and Negroes in the South. He feared that any form of amendment would result disastrously for his plans. As early as December 18, 1865, Stevens had proposed that the governments of the seceded states should be territorial, because in territories Congress had power to fix the qualifications of voters; and in territorial legislatures the rebels would mingle with the Negroes, to whom Congress would extend the franchise, and "there learn the principles of freedom and democracy".⁵² On December 4, 1866, Broomal, known as a devoted follower of Stevens, introduced into the House a resolution in which the committee was instructed to

"inquire into the expediency of reporting a bill providing territorial governments for the several districts of the country within the jurisdiction of the United States, formerly occupied by the once existing states of Virginia, North Carolina, etc. and giving to all male inhabitants, born within the limits of the United States, or duly naturalized, and not participants in the late rebellion, full and equal political rights in such territorial governments."⁵³

Blaine's amendment provided that when the rebel states had met the conditions imposed in the Fourteenth Amendment, the preceding sections of the bill proposed by Stevens should "then and thereafter be inoperative in said state".⁵⁴ Blaine's purpose was to forestall Stevens' scheme of permitting reconstruction to go over to the 40th Congress, when practically every one expected a more radical program to be carried out. He planned, in case the

⁵²Kendrick, 165; Woodburn, 349.

⁵⁴Ibid., 1182-1183.

⁵³Globe, II.

House became more radical during the 40th Congress, to have the military bill contain this section setting forth the principles upon which the seceded states might be reconstructed. Thus his party associates would have been committed to a fairly conservative program.⁵⁵ Bingham and fifty or more conservative Republicans supported Blaine in his attempt.⁵⁶ On that same day, February 12, a bill was passed through the House which provided for a territorial form of government for Louisiana where disorder had been most prevalent.⁵⁷ This bill had been drawn up by a committee appointed to investigate the New Orleans riot of July 30, 1866 where more than one hundred and fifty persons, mostly Negroes, had been killed or wounded.⁵⁸ The conservatives were of the opinion that making an example of Louisiana might influence other rebel states to ratify the Fourteenth Amendment. The New York Herald of February 12 and 13, 1867 published an editorial expressing this view.⁵⁹ On February 12, Stevens made a second unsuccessful attempt to force his bill through the House. Bingham then asked the House to send with the military bill a proclamation that ratification of the Fourteenth Amendment would remove necessity of Federal army protection. Blaine at once moved that his bill be sent to the judiciary with directions that it be reported back with the military bill. He called the previous question and was supported by a majority of only 7 votes.⁶⁰ Thaddeus Stevens then made a thirty

⁵⁵Kendrick, 397.

⁵⁸Rhodes, V, 511.

⁵⁶Ibid., 398.

⁵⁹Kendrick, 398

⁵⁷Globe, 1175.

⁶⁰Ibid., 401.

minute speech in which he reproached Congress for failing to protect the loyal people of the South; he used his powers of sarcasm and ridicule on Bingham for defeating his previous bill; he denounced the Blaine amendment as an effort toward "universal amnesty and universal Andy-Johnsonism"; and he made a final appeal to the loyalty of the members of his party. Kendrick comments that this speech is one of the very few ever made in Congress that resulted in the changing of votes. After the speech, sixteen Republicans who had voted with Blaine and Bingham to second the previous question now voted with Stevens, and nearly all the Democrats voted with him. He triumphed by a vote of 94 to 69.⁶¹ But the next day Williams offered to amend the bill by adding the Blaine amendment. On February 15, however, he withdrew the amendment and explained that he had conferred with certain persons and had found that unless the amendment were removed, the House would not concur. Finally, a committee of seven, with John Sherman as chairman, slightly modified the bill so that it was acceptable to the majority of the Republican senators. Though afterwards known as the Sherman substitute, it was really the Williams military bill with the addition of the slightly changed Blaine amendment.⁶² On February 18, Stevens moved that the Senate amendment be concurred in by the House and asked for a committee of conference.⁶³ The conservatives were in favor of the Senate amendment, while the radicals opposed it. On February 19, a vote was taken and though many Republicans voted in favor of the motion, the Democrats voted solidly with Stevens. His motion for a conference was passed and he, Blaine, and Shell-

⁶¹Ibid., 403.

⁶³Ibid., 1315.

⁶²Globe, 1362 et seq.

barger were appointed to represent the House on the committee.⁶⁴ That evening the House met in an attempt to decide on a method of procedure. With the aid of the Democrats, Stevens and some of the radicals prevented a vote being taken.⁶⁵

On February 20, Senator Henry Wilson of Massachusetts made a motion that the Senate amendments be concurred in, provided the Senate accept an amendment, as follows:

"No person excluded from the privilege of holding office by the proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of the rebel states, nor shall any such person vote for members of such convention."⁶⁶

Representative Shellabarger then offered an additional section to Congress concerning representatives from the rebel states. Any civil governments existing in those states should be considered as only provisional and subject in all respects to the paramount authority of the United States at any time to abolish, modify, control, or supercede them; only those persons should vote who were so entitled under section five of the act; and no person should be eligible to office who would be disqualified from doing so under the provision of the "said article of said constitutional amendment."⁶⁷ Both the Wilson and the Shellabarger amendments were agreed to, and in the amended form the bill passed the House by a vote of 126 to 46. Though the

⁶⁴Ibid., 1348.

⁶⁵Ibid., 1356 et seq.

⁶⁶Ibid., 1399.

⁶⁷Ibid., 1400.

radicals did not win a complete victory, the conservatives were utterly defeated. On February 20, the Senate concurred in the House amendments.⁶⁸

The President might have made use of a pocket veto to defeat this bill. Instead, he sent a message to the House on Saturday afternoon, March 2, 1867 in which he expressed his dissent.⁶⁹ Congress was to expire on Monday, March 4 at noon. Stevens realized that no time was to be lost, and at once demanded consideration. He yielded, however, to brief protesting statements from the Democrats.⁷⁰ When the Democrats attempted to sustain the veto, Blaine, upon Stevens' request, moved to suspend the rules and the bill was passed by a vote of 135 to 48.⁷¹ The Senate speedily took similar action and the reconstruction act became a law.⁷² As it finally passed, its six provisions were those of the original bill for the military governments, except that the commanders of the different departments were to be appointed by the President instead of by the General of the Army; and that no sentence of death should be executed without the approval of the President. It was in essentials, the sum of the measures for which Stevens had worked so long.⁷³ He was, however, dissatisfied with the way the Senate had treated his bill and complained bitterly of the power of appointment being transferred from General Grant to President Johnson, who "would execute it by the murder of the Union; by despising Congress and flinging into its teeth all it had done".⁷⁴

⁶⁸Ibid., 1645.

⁷²McCall, 293.

⁶⁹Ibid., 1729.

⁷³ Ibid., 294.

⁷⁰McCall, 291.

⁷⁴Winston, 401.

⁷¹Ibid., 292; Kedrick, 414.

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The Reconstruction Act of March 2, 1867 was amended twice. These amendments were vetoed by the President. To prevent a judicial decision upon the original act or the amendments, Congress provided that no court should have jurisdiction over the same.⁷⁵

⁷⁵Ibid., 398.

CHAPTER XIV. STEVENS' RELATION TO THE IMPEACHMENT OF ANDREW JOHNSON.

Stevens' activity in initiating the movement---secures partial support of Senate by advancing judicial reasons---Holds colleagues by appeal to partisanship---Plans proceedings in manner to avoid constitutional difficulties---Chairman of Committee to draw up articles of impeachment---The eleventh article.

CHAPTER XIV

STEVENS' RELATION TO THE IMPEACHMENT OF

ANDREW JOHNSON

Congress and the President were at daggers' points and had denounced each other openly. Congress had reduced the President's powers to impotency and he, consequently, had no desire to carry out the will of the nation. Instead, he was obstinate and determined to circumvent and annoy the Legislative body whenever possible. Such a situation could not continue.¹ On the same day, March 2, 1867, that the Reconstruction Act was passed, the Tenure of Office Act and Command of the Army Acts were also passed over the President's veto.² The Tenure of Office Act took away from him the power of removal of office holders, a power which had been exercised by all preceding presidents of the United States.³ The Command of Army Act forbade the President to relieve the General of the Army from command or assign him elsewhere than in Washington except at the general's own request, or with the previous approval of the Senate.⁴ The President's position was intolerable.

The movement for impeachment was basically a political issue. This Stevens frankly admitted.⁵ He realized that some of the senatorial judges would have to be convinced by purely judicial considerations, and he sought,

¹Woodburn, 491.

²Winston, 398.

³Rhodes, 47.

⁴Dunning, 90.

⁵Woodburn, 492.

in part, to present the cause with that end in view;⁶ but he also felt it necessary to appeal to the partisanship of his colleagues to secure their votes.⁷ Matters were difficult to arrange because "there was not operative any method of impeachment or recall, within the power of the people" for a president who sought to thwart the national ends.⁸ The President was sullen. Stevens and his followers decided on a course of action. It seemed to them far preferable to attempt to remove him from office by a two-thirds adverse vote, if not by a majority, in both houses of Congress than to continue to try to get on under the inflexible Constitution; and with this idea in mind, they proceeded.⁹ A proposition to impeach the President of high crimes and misdemeanors was pending in the House for more than a year before final decision to do so was reached. In January 1867, the House instructed its judiciary committee to investigate the conduct of the President, and accordingly was engaged throughout the session in a search for evidence against him.¹⁰ In June 1867, the House instructed the same committee to inquire into Johnson's conduct to see if he were guilty of offences that were impeachable under the Constitution.¹¹ In the closing days of the 39th Congress, the committee reported that there was enough evidence to justify continuance of

⁶ Ibid., 494.
⁷ Dunning, 92.
⁸ Woodburn, 492.
⁹ Ibid., 493.
¹⁰ Dunning, 92.
¹¹ Woodburn, 494.

the investigation, though not sufficient ground for impeachment.¹²

When the President, on February 21, 1868, sent to the Senate his veto of resolutions disapproving of the removal of Stanton as Secretary of War and in the message stated that regardless of personal consequences he would not have acted differently, Stevens and his followers realized that public sentiment was sufficiently strong to justify an attempt at impeachment. Congress received the President's message on February 22 and was thrown into an uproar. Covode at once offered impeachment resolutions; and, in two hours, the reconstruction committee appeared in the House and through its spokesman, Thaddeus Stevens, recommended that

"Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors in office."¹³

Stevens was appointed Chairman of the Committee of seven to draw up articles of impeachment and one of the managers to present the case to the Senate.¹⁴

McCall states that though he was too ill to take the leading part in the trial of the President, Stevens, by sheer force of will, never for a moment¹⁵ relinquished the pursuit of his object. "When he was too weak to walk, he was carried into the Senate chamber, and if his voice failed because of weakness, some one of his fellow managers read his words."¹⁵

In planning the proceedings, Stevens endeavoured to avoid constitutional difficulties. To sustain impeachment, he held it unnecessary to prove a

¹²Ibid., 495.

¹³Winston, 422.

¹⁴McCall, 337; Woodburn, 503.

¹⁵Ibid., 337

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crime as an indictable offense or any act malum in se. He contended that the impeachment was a remedy for malfeasance in office and was not intended as a personal punishment for past offences or future example.¹⁶ Stevens had charged the President with attempting to usurp the powers of other branches of the government; with bribery; and with "open violation of laws which declare his acts misdemeanors and subject him to fine and imprisonment."¹⁷ Further, he declared that Johnson had, in his last annual message proclaimed to the public that the laws of Congress were not constitutional nor binding on the people; and then asked who could say that "such a man is fit to occupy the executive chair, whose duty it is to inculcate obedience to those very laws, and see that they are faithfully obeyed?"¹⁸ He expressed the opinion that if the President escaped the bare removal from office and did not suffer incarceration in the penitentiary afterward under criminal proceedings, he should thank the weakness or the clemency of Congress and not his own innocence. At the close of Stevens' speech, the clerk read the resolution which provided for impeachment. Stevens called for the vote, which was decided affirmatively 128 to 47--17 not voting.¹⁹ Thaddeus Stevens and John Bingham were appointed a committee of two to inform the Senate of the action of the House. On the following day, February 25, they appeared before the Senate.²⁰ Sumner, who was present, described Stevens as "looking the ideal

¹⁶Woodburn, 501.

¹⁷Globe, 2nd sess., 40th Cong., 1399. February 24, 1868.

¹⁸Ibid., 1400

¹⁹Ibid., 1400

²⁰Woodburn, 503.

Roman, with singular impressiveness, as if he were discharging a sad duty."²¹

Stevens said:

"In the name of the House of Representatives and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same; and in their name we demand that the Senate take order for the appearance of the same Andrew Johnson to answer said impeachment."

The President of the Senate replied that the Senate would "take order in the premises."²²

On March 4, the House managers appeared before the Senate. The managers rose and remained standing, with the exception of Stevens, who was too ill to do so, while Bingham read the articles of impeachment.²³ In eleven articles, the President was charged with violating the Tenure of Office Act, in deposing Stanton and appointing Thomas; with violating the Anti-Conspiracy Act of July 31, 1861, in conspiring with Thomas to expel Stanton and to seize the papers and property of the office; with violating the Reconstruction Act of March 2, 1867, in directing that military orders should issue through others than the General of the Army, as in his attempting to induce General Emory to take orders direct from the President; and of committing high crimes and misdemeanors in his attitude toward and denunciation of Congress, in his efforts to bring that body into "disgrace, ridicule, hatred, and contempt

²¹Rhodes, VI, iii; Winston, 423.

²²Woodburn, 564.

²³Woodburn, 506.

and to impair and destroy the regard and respect of all the good people of the United States" for Congress.²⁴

Winston claims that though there were eleven articles, there was really but one offence--the removal of Stanton and the appointment of Thomas. The first article charged the removal; the second charged the writing of a letter to Thomas to take possession; the third charged the actual appointment of Thomas; articles four, five, six, seven and eight are known as the "conspiracy articles", as they charge a conspiracy to do what has already been charged in the first three articles. Article nine charged illegal advice to General Emory. The tenth article, which Butler earnestly urged should be included, charged the President with having, "in a loud voice" delivered objectionable speeches on February 22, 1866, and during his Swing Around the Circle tour.²⁵ The famous eleventh article, on which the chief hope of conviction rested, was drawn by Stevens.²⁶ It is known as the "Omnibus Article"--a combination of all the charges into one article; and has been referred to "as a trick to catch wavering senators".²⁷ Dunning considers it as strong testimony to Stevens' undisminished shrewdness and intelligence at a time when he was physically near death.²⁸ The article charged Johnson, unmindful of his oath and disregarding the Constitution and the laws, declared, in a speech in Washington on July 16, 1866, that the 39th Congress was a Congress of only a part of

²⁴Ibid., 505, 506.

²⁵Winston, 425.

²⁶Ibid., 426; Woodburn 506.

²⁷Ibid., 507

²⁸Dunning, 106.

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the people; thereby denying that the legislation enacted by it was valid and obligatory upon him, except in so far as he saw fit to approve it; and also denying the power of Congress to propose amendments to the Constitution of the United States. The article also charged that the President had attempted to prevent the execution of the Tenure of Office Act.²⁹ It was decided by the prosecution that, because of its importance, the eleventh article should be presented first. Rhodes' judgment is that Thaddeus Stevens made the ablest argument for the prosecution. He confined himself to his own article and never lost sight of his purpose to secure the doubtful senators. Rhodes wonders whether if Stevens had at the time possessed as much strength as of two years previous, the outcome of the trial would not have been different. He expresses the belief that the management would have been conducted differently; Stevens would have been chairman of the managers; and he would have been able to exert sufficient strength and influence to obtain conviction.³⁰

Stevens opened his speech by stating his intention to discuss only a single article--the one that was finally adopted at his earnest solicitation and which, if proved, he considered would be sufficient evidence for conviction of the President and for his removal from office; which was the only legitimate object for which this impeachment could be instituted. He then proceeded to accuse Johnson of violating the laws of the United States and of usurping the powers of Congress; and suggested that if the President were unwilling to execute the laws passed by Congress and unrepealed, he should

²⁹ Globe, 4, 5; Woodburn, 506, 507.

³⁰ Rhodes, 135.

resign from the office which was thrown upon him by a horrible convulsion--
 and retire to his village obscurity".³¹ He arraigned the President as "the
 first great political malefactor...possessed by the same motives that made
 the angels fall".³² He termed him the "offspring of assassination" and de-
 clared that any senator who voted to acquit would be "tortured on the gibbet
 of everlasting obloquy".³³ When he became too weak to read or stand, he
 handed his manuscript to Butler, who read it for him.³⁴ It appears from Ste-
 vens' speech that he expected the President to be convicted. As more than
 two-thirds of the senators had gone on record as condemning Johnson for remov-
 ing Stanton, this is not surprising. It was not expected that so many Repub-
 licans would desert their party by voting for acquittal. On April 20, 1868,
 Freely wrote to Stevens:

"Keep us posted in the Tribune office. I do not fear
 the verdict, but greatly desire to make the majority
 on the first vote as strong as possible."³⁵

Stevens asked permission of the Chief Justice for his colleagues to have op-
 portunity to speak on the eleventh article. The request was granted.³⁶ On
 the tenth vote, on the eleventh article, seven Republican senators supported
 the President, thirty-five senators voted for conviction, and nineteen for
 acquittal. The President was acquitted by a margin of one vote.³⁷ The pro-
 secution was unable to muster any greater strength on two subsequent votes,

³¹ Globe, 320-324.

³⁵ Woodburn, 515.

³² Winstockton, 423.

³⁶ Globe, 161.

³³ Ibid., 447.

³⁷ Ibid., 248.

³⁴ Woodburn, 515.

and on May 26, 1869, the Senate as a Court of Impeachment adjourned*to meet no more. Thaddeus Stevens sincerely believed that the welfare of the country demanded that the President be removed from office and that Johnson deserved the degradation. There can be no doubt that the acquittal was a bitter disappointment to him.³⁸

In considering Thaddeus Stevens' relation to reconstruction, the main idea should be an attempt to evaluate his contribution through speech, influence, policy and actual concrete achievements to the welfare of the country in that divided and distressing period in which he labored. Even a cursory glance at the list of important measures in which he undoubtedly took the difficult leading part, will bear witness to his importance and value. His many detractors have pictured him as a man of misanthropic spirit and bitter invective, who took keen delight in inflicting injury on his opposers. This estimate may reasonably be considered an exaggeration. Though he may have indulged in the wrath and bitterness brought about by the desperate condition which existed as a result of the war and the necessity for recovery, history bears record of the service he rendered to his country through his comprehension of what was needed, his courage, firmness, and tenacity. His keenness of intellect and clearness of vision were valuable aids to his efforts for democracy.

"To secure civil and political justice for all men alike... was the permanent cause involved in reconstruction and Stevens represented that cause. To that end he would

³⁸Woodburn, 516.

have remodeled the Constitution in whatever way he thought best to abolish and uproot slavery and to establish a race-wide democracy in America."³⁹

Stevens was a practical legislator and statesman; he cared nothing for show or parade, but clung doggedly to his principles which he considered necessary to justice. He participated actively in every important measure for reconstruction, and is generally considered a greater influence than any other man of the period in helping to establish a sane basis for recovery. His main object was to elevate his country and aid the oppressed, an object which was accomplished to a very gratifying extent before his death in Washington on August 11, 1868. Mr. Forney, in The Philadelphia Press of August 12, 1868 spoke of Stevens as "the ablest parliamentary leader of his time!"⁴⁰ Winston states that Stevens fought every inch of ground for the Negro, taking what he could get. As soon as one rampart was scaled, Stevens moved to the next. First, freedom for the Negro; next protection through the Bureau; then Civil Rights, to be followed by Military Rule, the Fourteenth Amendment and the Fifteenth-- , and if he could have had his way, confiscation. "Forward and ever forward, the heroic old man pressed."⁴¹

Thaddeus Stevens found cause against President Johnson in his whole course of conduct in reconstruction, because of his persistent usurpation of the powers that belonged to Congress.⁴² The final and one of the most important

³⁹Ibid., 448.

⁴⁰Ibid., 608.

⁴¹Winston, 318.

⁴²Woodburn, 502.

reasons for the break with the President came from the desire of Stevens and his radical colleagues to readjust the distribution of political power among the states. Stevens believed that the slave states had enjoyed an unfair share of political power from the foundation of the government and that Johnson's reconstruction would aggravate the evil.⁴³ He very frankly avowed a desire for party ascendancy as part of his motive in his contention for a change in the representation of the southern states.⁴³ Stevens openly declared that the movement for the removal of Johnson was a political one. He and his colleagues undertook the impeachment with the idea of securing responsible democratic government.⁴⁴ Though bitterly disappointed at the outcome, Stevens, accepted the acquittal as he did other disappointments--grimly, but without complaining. Woodburn says of Stevens:

"Before all else he stood for liberty and the equal rights of men...No truer democrat, no abler advocate of popular rights ever stood in American legislative halls."⁴⁵

Perhaps no expression more aptly portrays Thaddeus Stevens' dominant ideal than his own words:

"There may be, and every hour shows around me, fanatics in the cause of false liberty--that infamous liberty which justifies human bondage; that liberty whose cornerstone is slavery. But there can be no fanaticism, however high the enthusiasm, in the cause of rational, universal liberty--the liberty of the Declaration of Independence."⁴⁶

⁴³Ibid., 350.

⁴⁴Ibid., 494.

⁴⁵Ibid., 610.

⁴⁶Thomas B. Reed, Ed., Modern Eloquence (Philadelphia, 1903), 1944.

CONCLUSION

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Thaddeus Stevens' policies have caused his name to be mentioned with opprobrium by people of those sections and groups whose attitude and actions he opposed. Even among conservatives, in both North and South, his method of procedure was frequently viewed with mixed feelings. On the other hand, his friends and followers believed as thoroughly in the efficiency of his methods of attack and his dogged persistence, as in the sincerity of his belief in real democracy. With few exceptions, his friends and foes alike have at last realized that the extent and intensity of his actions resulted from the force of his convictions. His life merits a careful, unbiased study by those who are genuinely interested in the principles and political philosophies which have advanced the cause of democracy in the United States. The literature on Stevens deals primarily with his political career during Reconstruction. His early biographers dwelt little on either his political or his social philosophy. Later ones have veered somewhat to the other extreme, but their favorable bias makes independent conclusions a necessity for their readers.

In public life Stevens was neither the monster his opponents would have him be, nor the tender-hearted individual one might think on reading that human suffering never failed to move him to tears; whether he raged or wept depended entirely on his convictions as to what the situation merited rather than what it appeared to demand. When he adopted Anti-Masonry, it was not a matter of expediency. Its purpose was an inherent part of his being and he followed the course to which his convictions directed him. Firm of purpose and possessed of clear vision, he was able in times of crisis to act quickly and to produce tangible results. Regardless of approval or disapproval of

either his actions or his methods, it is patent that he was a necessary sustaining power in Congress to President Lincoln during those first crucial months of his administration and that his (Stevens) attitude and efforts during Reconstruction did produce some good and lasting results. On the other hand, his dictatorial methods and his varying political strategy must often plead the merits of the case as their only extenuation. It cannot be gainsaid that his masterful leadership was more than once a fortunate thing for the country.

Without doubt, Stevens was a practical statesman, asking much for whatever cause he sponsored, accepting what could be obtained, and working persistently always for more and better results. The worth of his efforts in behalf of free public education, his tireless labor for the abolition of human slavery in the United States, and his devotion to the Union are not open to question, as far as their intrinsic merit and worth are concerned. Thaddeus Stevens' relation to the national developments of the United States for forty years, from the time he became a power in the political life of Pennsylvania to the day of his death in August 1868, was that of a handicapped but valiant and indefatigable advocate and warrior, devoted to the interests, advancement, and stability of his country and to the betterment and uplift of human beings. A man of violent likes and dislikes, a man of mistakes and errors, as well as of rare good judgement and successes, his life did decidedly affect the development of his country toward its permanent betterment and stability.

APPENDIX

APPENDIX

I

Lefever proposal, 1831.

Stevens' resolution re: Masonry, 1834.

Lincoln's letter, September, 1848.

II

Stevens' bill re: slave trade, April 1862.

Lincoln's letter re: preservation of the Union, August, 1863.

Lincoln's telegram re: Army, September, 1863.

Wilkinson letter re: Army, January, 1864.

Lincoln's idea of Democratic policy and strategy, May, 1864.

Higginson letter re: Army, June, 1864.

Attorney General re: Army, July, 1864.

III

Southern Opinion, January, 1865.

Stevens to Andrew Johnson, May, 1865.

Stevens to Andrew Johnson, July, 1865.

Resolutions of Union League of Rhode Island, December, 1865.

IV

Confiscation Bill, March, 1867.

Confiscation Speech in House, March, 1867.

Tilton (of Independent) to Stevens, April, 1867.

Stevens' bill re: Public schools in District of Columbia, December, 1867.

Stevens to F.A. Conkling of New York, re: Negro Suffrage, January, 1868.

Ku Klux Klan warning to Stevens, May, 1868.

Stevens vs. Lefever, No. 21 of August Term, 1834.

Thaddeus Stevens proposes to Defendant, that if he will give up the name of the author of the Libel on which suit was brought in this case and will appear against him as a witness and testify; and if said author be a man of good standing and responsibility and resident in the County of Adams, said Stevens will exact no more of the verdict against Defendant than will cover actual expenses.

August 27, 1835.

T. Stevens

From the original court records.

Stevens' Resolution of Indictment against Masonry

Whereas, it is alleged and believed by a large and respectable portion of the citizens of this Commonwealth, that the Masonic institution is injurious to the rights and dangerous to the liberties of the people;

That it imposes on its members, oaths and obligations unauthorized by, and inconsistent with, the laws of the country;

That it binds the members to give a preference to each other in all things, over the rest of their fellow citizens;

To "apprise each other of all approaching dangers," whether such dangers arise from the legal prosecution of their own crimes and misdemeanors or otherwise;

To conceal the secrets and crimes of each other, not excepting even murder and treason;

To espouse each other's cause, and if possible, extricate them from all difficulties, "whether they be right or wrong;"

To avenge even unto death the violation of any of the Masonic oaths and the revelations of any other secrets;

That the rites and ceremonies of the lodge are of a degrading, immoral and impious character;

That the candidates are stripped nearly, naked and led to the imposition of their awful oaths, hoodwinked and with a rope or cord around their necks, called a "cable tow;"

That in the Royal Arch degree, they affect to enact the sublime and sacred scene of God appearing to Moses in the burning bush of Mt. Horeb;

That in order to impress the conscience of the candidate, with the "sealed obligation" which is a renewal of all his former unholy Masonic oaths and obligations, they administer to him the Sacrament out of a human skull; and compel him to invoke upon his soul, in addition to death on earth, eternal damnation in the world to come, as the penalty of violating any obligation which he may theretofore have taken, is then taking, or may thereafter take, in relation to any degree of Masonry or order of knighthood;

That it is anti-republican, and an insidious and dangerous enemy to our democratic form of government;

That it creates and sustains a secret order of Nobility in violation of the spirit of the constitution;

That it is a regularly organized kingdom within the limits of this republic, assuming and secretly exercising all the prerogatives and powers of an independent kingdom.

It has established a central and controlling government, extending its branches all over the civilized world, which they denominate the "Holy Empire"; the seat of this government in America is what in Masonic language

is called the "Valley of New York". This branch of Masonic power is called "The Grand Supreme Council of Most Puissant Sovereign Grand Inspectors General of the Thirty-third degree at the Grand Orient of New York."

It sends ambassadors to, and receives them from, all the Masonic Kingdoms of the earth.

It secures an undue, because an unmerited, advantage to the members of the fraternity over the uninitiated farmer, mechanic, and laborer, in all the ordinary business transactions of life.

It prefers a corrupt "brother" to an honest citizen in appointment to office.

It prevents the wholesome enactment and due administration of laws.

It enters and corrupts our legislative halls, our executive offices, and our courts of justice.

The trial by jury instead of being the palladium of our rights, it converts into an engine of favoritism and Masonic fraud.

Its whole tendency is to cherish a hatred of democracy and a love of aristocratic and regal forms and power.

The truth of all these things has been repeatedly proclaimed to the world under the signature of thousands of honest men, by authentic documents procured from the Lodges themselves, and by the testimony under oath of numerous adhering Masons of good character, and it has never yet been contradicted by the testimony of a single witness.

Therefore, be it resolved, That the committee on the judiciary system be instructed to bring in a bill effectually to suppress and prohibit the administration and reception of Masonic, Odd Fellows, and all other secret

extra-judicial oaths, obligations, and promises in the nature of oaths.

From Stevens' speech which is published in full in pamphlet, Free Masonry Unmasked, Library of Congress, Item H.S. 527, S82.

Washington, Sept. 3, 1848

Hon. Thaddeus Stevens

Dear Sir:

You may possibly remember seeing me at the Philadelphia Convention— introduced to you as the lone Whig star of Illinois— Since the adjournment I have remained here, so long, in the Whig document room — I am now about to start for home and I desire the undisguised opinion of some experienced and sagacious Pennsylvania politician, as to how the vote of that State, for governor and president, is likely to go — In casting about for such a man, I have settled upon you; and I shall be much obliged if you will write me at Springfield, Illinois —

The news we are receiving here now by letters from all quarters is steadily on the rise; we have some lately of a discouraging character — This is the sum without giving particulars —

Yours truly

A. Lincoln

Stevens' Papers.

Abolition of Slavery in District of Columbia

A Bill to Abolish the Slave Trade in the District of Columbia

Section 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled

That if any person shall trade or carry any slave without this District of Columbia for the purpose of selling such slave, or if the owner of any slave or the agent of such owner shall send or transport any slave out of said District for the purposes aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the penitentiary not more than five nor less than one year; and such slave shall be free —

Section 2. That if any slave be sent or taken out of said District and shall be absent therefrom three months, the person sending or taking him or her out of said district shall be prima facie taken and deemed guilty of sending or transporting such slave from said District for the purpose of sale and shall be subjected to this punishment mentioned in the preceding section of this act.

Section 3. That in all cases arising under this act colored persons whether slaves or free shall be competent Witness. Their credibility be left to the jury.

Stevens' Papers, Vol. 11.

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Lincoln to James C. Conkling

Executive Mansion, August 26, 1863.

My dear Sir:

Your letter inviting me to attend a mass meeting of unconditional Union men, to be held at the capitol of Illinois on the 3rd day of September has been received. It would be very agreeable to me thus to meet my old friends at my own home, but I cannot just now be absent from here so long as a visit there would require....

There are those who are dissatisfied with me. To such I would say: You desire peace and you blame me that we do not have it. But how can we attain it? There are but three conceivable ways: First to suppress the rebellion by force of arms. This I am trying to do. Are you for it? If you are, so far we are agreed. If you are not for it, a second way is to give up the Union. I am against this. Are you for it? If you are, you should say so plainly. If you are not for force, nor yet for dissolution, there only remains some imaginable compromise. I do not believe any compromise embracing the maintenance of the Union is now possible....

But to be quite plain. You are dissatisfied with me about the Negro. Quite likely there is a difference of opinion between you and myself upon that subject. I certainly wish that all men could be free, while I suppose you do not....You dislike the emancipation proclamation, and perhaps would have it retracted. You say it is unconstitutional. I think differently. I think the Constitution invests its commander-in-chief with the law of war in time of war....

You say you will not fight to free Negroes. Some of them seem willing to fight for you; but no matter. Fight you then, exclusively, to save the Union. I issued the proclamation on purpose to aid you in saving the Union I thought that in your struggle for the Union, to whatever extent the Negroes should cease helping the enemy, to that extent it weakened the enemy in his resistance to you. Do you think differently? I thought that whatever Negroes can be got to do as soldiers, leaves just so much less for white soldiers to do in saving the Union. Does it appear otherwise to you? But Negroes, like other people, act upon motives. Why should they do anything for us, if we will do nothing for them? If they stake their lives for us they must be prompted by the strongest motive, even the promise of freedom. And the promise being made, must be kept....

Let us be quite sober. Let us diligently apply the means, never doubting that a just God, in his own good time, will give us the rightful result.

Yours very truly,

A. Lincoln.

Abraham Lincoln, Complete Works, Edited by Nicolay and Hay (New York, 1905) IX, 95-102.

Telegram to Governor Johnson

Executive Mansion, September, 1863. 9:30 A.M.

Hon. Andrew Johnson, Nashville, Tennessee: Dispatch of yesterday just received. I shall try to find the paper you mention and carefully consider it. In the meantime let me urge that you do your utmost to get every man you can, black and white, under arms at the very earliest moment, to guard roads, bridges and trains, allowing all the better trained soldiers to go

forward to Rosecrans. Of course, I mean for you to act in cooperation with, and not independently of, the military authorities.

A. Lincoln.

Abraham Lincoln, Complete Works, Nicolay and Hay, IX, 113.

Wakefield, Lancaster, Pa.
January 7, 1864

Mr. Thaddeus Stevens,

Dear Sir:

Will you please inform me by return of mail whether or not the colored men who volunteer under the late roll are entitled to the same bounty offered by the Government as the white man 400 (for better trained) and 300 too for raw recruit. Some who volunteered with the expectation of getting said bounty to send to their families were disappointed when they were told by the officers that they could not get it. It necessarily stopped Volunteering with that class....

Respectfully,

F. Wilkinson

Stevens' Papers, Vol. V.

Lincoln's Idea of Democratic Policy and Strategy

May 1864

"The slightest knowledge of arithmetic will prove to any man that the rebel armies can not be destroyed by Democratic strategy. It would sacrifice all the white men of the North to do it. There are now in the service of the United States nearly two hundred thousand able-bodied men, most of them under arms, defending and acquiring Union territory.

The Democratic strategy demands that these forces be disbanded, and that masters be conciliated by restoring them to slavery. The black men who now assist Union prisoners to escape are to be converted into our enemies, in the vain hope of gaining the good will of their masters. We shall have to fight two nations instead of one....

Abandon all forts now garrisoned by black men, take two hundred thousand men from our side and put them in the battle field or cornfield against us, and we would have to abandon the war in three weeks....There have been men base enough to propose to me to return to slavery our black warriors of Port Hudson and Olustee, and thus win the respect of the masters they fought. Should I do so, I should deserve to be damned in time and eternity.Come what will, I will keep my faith with friend and foe."

Abraham Lincoln, Pen and Voice (Cincinnati, 1890), 360-362.

Pigeon Cove, Mass.
June 20, 1864

Hon. T. Stevens

Dear Sir:

Suffer an officer wounded and invalided in the service to appeal to you in regard to his wronged and defrauded men.

I command the first colored regiment mustered into the U.S. Service. Every man was a volunteer. They had the written pledge of the War Department, signed by Mr. Stanton's own hand, that they should have the same pay and allowances as white troops. Under this pledge I had men killed in action long before any Northern regiment of free blacks was ever proposed.

For five months they had the full pay — since then it has been with-held. What they care for most is not the money, but the principle of the thing, for, as they justly say, if they are held to military duty, while the government repudiates its share of the agreement, it is only a new form of slavery and takes away all faith and all hope.

All this winter we have been laboring to set forth these facts. At one time our rights were almost established, when joint action sent the whole bill back to the Senate, and now if I may trust the newspapers, all is lost for us, if the arrears due are limited to those who were free at the opening of the war — as if that had anything to do with the fulfillment of a contract.

Under such circumstances, if there be such a thing as justice on earth, I have a right to ask your aid in obtaining in some other form that

justice which was defeated in one form through your action. *

Very respectfully,

Your obedient Servant

F.W. Higginson
Col. for S.C. Vols.
(now 33rd U.S.)

Stevens' Papers, Vol. V.

Opinion of the Attorney General on the Pay, etc. of Negro Soldiers

Attorney General's Office
July 14, 1864

Sir:

By your communication of the 24 ultimo, amounts of pay, bounty, and clothing are allowed by law to persons of color, who were free on the 19th day of April, 1861, and who have been enlisted and mustered into the military service of the United States between the month of December, 1862, and the 16th of June, 1864....I give to you unhesitatingly, as my opinion, that the same bounty and clothing are allowed by law to the persons of color referred to in your communication, and who were enlisted and mustered into the military service of the United States between the month of December, 1862, and the 16th of June, 1864, as are by the laws existing at the time of the enlistment of said persons, authorized and provided in the volunteer forces of the United States of like arms of the service.

I have the honor to be very respectfully,

Your obedient servant,

Edward Bates
Attorney General

The President

Lincoln's Papers.

III

Southern Opinion

Fredericksburg, Va.,
January 9, 1865

Reconstruction Committee, H. of R.

Gentlemen:

Seeing it stated that your committee would appoint a sub-committee to visit the South, we the undersigned on the part of loyal merchants of this town respectfully request that this sub-committee or a member of it, visit this town for the purpose of a conference with its loyal citizens. We suggest that the committee travel through the South singly and incognito, as far as possible. If they travel together, the mayors and councils of every southern city, all of whom are disloyal, will receive them in a body, and by blandishment, and seek to misrepresent everything. In this place the mayor and every councilman is disloyal, and a vacancy occurring recently, they appointed the strongest rebel in the town to fill the place, notwithstanding that there are several loyal men, entirely competent, who would have accepted the position.

No loyal man can be appointed by Pierpont to any place nor can be elected by the people — none by the Legislature. The greater the rebel, the greater certainty of election by the people, and appointment by the Governor. Please let your committee visit this place and we will give numerous facts in connection with reconstruction in this State.

Very respectfully,

J. Williams and Company
H.W. Harbach

Thaddeus Stevens to President Johnson re: Reconstruction

Caledonia Iron Works
May 16, 1865

"Reconstruction is a very delicate question. The last Congress...look-
ed upon it as a question for the Legislative powers exclusively. While I
think we shall agree with you almost unanimously on the main objects you
have in view, I fear we may differ as to the manner of effecting them. How
the executive can restore the States in the Union is past my comprehension.
I see how he can govern them through military governors until they are recog-
nized. The forcing Governor Pierpont did by a thousand votes on the million
inhabitants of Virginia as their governor and calling it a republican form of
government may provoke a smile, but can hardly satisfy the judgement of a
thinking people. Had you made him a military governor, it were easily
understood.

My object now is to suggest the proposition of suspending further the
reconstruction until the meeting of Congress. Better call an extra session
than to allow many to think the executive was approaching usurpation.

We shall have enough to combat in military trials in the midst of civil
courts."

Johnson Papers, Vol. 63, Item 3553.

Philadelphia, July 6, 1865

His Excellency Andrew Johnson

Sir:

I am sure you will pardon me for speaking to you with a candor to which men in high places are seldom accustomed. Among all the leading Union men of the North with whom I have held intercourse I do not find one who approves of your policy. They believe that "Reconstruction" as announced by you will destroy our party (which is of but little consequence) and will greatly injure the country. Can you not hold your hand and wait the action of Congress and in the meantime govern them by military rules? — profuse pardoning also will greatly embarrass Congress, if they should wish to make the enemy pay the expenses of the war or a part of it.

With great respect

Your obedient

Thaddeus Stevens

The Prest.

Johnson Papers, Vol. 63, Item 5217.

Resolutions of the Union League re: Reconstruction

Unanimously Adopted December 12, 1865.

Resolved, that in accordance with the principles heretofore declared by the League, we are opposed to all efforts for the reconstruction of the States lately in rebellion, which do not recognize the equal rights of all men before the law.

Resolved, that we heartily endorse those sentiments in the message of President Johnson in opposition to class legislation; and we cordially approve the action of the Republican members of the House of Representatives in refusing admission to any members from the States lately in rebellion until their claims have been investigated by a proper Committee.

Resolved, that it is the right and duty of Congress to provide against the readmission of any State which is controlled by the votes of former rebels, or in which any considerable portion of the loyal are debarred the right of suffrage.

Resolved, that we are in favor of the immediate extension of the right of suffrage to the colored citizens of the District of Columbia.

Resolved, that the thanks of this League be and they are hereby tendered to Hon. Charles Sumner, Hon. Thaddeus Stevens, Hon. Henry Wilson and their fellow workers for this action in relation to the subject of these resolutions.

Resolved, that we respectfully and earnestly request the members of Congress to oppose all efforts for reconstruction which do not recognize and maintain the equal rights of all men before the law.

Resolved, that a copy of these resolutions be forwarded to each of the gentlemen therein, and one to each of our Members of Congress.

A true copy —

Lewis G. Jones,
Secretary Council No. 1
U.L. of R.I.

IV

Confiscation

March 9, 1867

Whereas: It is due to justice and as an example to future times that some proper punishment should be inflicted on the people who constituted the Confederate States of America, both because they declared an unjust war against the United States for the purpose of destroying republican liberty and permanently establishing Slavery, as well as for the cruel and barbarous manner in which they conducted said war; violation of all laws of civilized warfare; and also to compel them to make some compensation for the damages and expenditures caused by the said war; therefore:

Section 1. Be it enacted:

All public land belonging to the States that formed the Government of the so-called Confederate States of America shall be forfeited by the said States and become forthwith invested in the United States.

Section 2.

President shall forthwith cause seizure of such property belonging to the belligerent enemy as is deemed forfeited by the Act of July 17, 1862, and hold and appropriate the same as enemy's property; proceed to condemn that already seized.

Section 3.

Instead of two commissioners as provided by Act of 1862, three commissioners to be appointed in each State, one an officer of the Army, two civilians, neither of whom shall be citizens of State, shall adjudicate and condemn property under proceedings of the Atty-Gen. Titles to become vested in U.S.

Section 4. And be it further enacted:

That out of the lands thus seized and confiscated, the slaves who have been liberated by the operations of the war and the amendment to the Constitution or otherwise, who resided in the said Confederate States on the 4th of March 1861 or since, shall have distributed to them 40 acres for each adult male, and to each person who

is head of a family 40 acres, to be held in fee-simple, but to be inalienable for the next ten years after they become seized thereof. (For distribution of land, Secretary of War shall appoint as many commissioners as he deems necessary in each State, to consist of 3 members. Salary for each \$3,000, clerk's salary \$2,000.)

"The title to the homesteads aforesaid, shall be vested for the use of the liberated persons aforesaid, in trustees, who shall be appointed by the Secretary of War....At the end of 10 years the absolute title to the said homestead shall be conveyed to the said owners, or to the heirs of such as are then dead".

Section 5. And be it further enacted:

"That out of the balance of the property then seized and confiscated there shall be raised in the manner herein-after provided a sum equal to \$50 for each homestead, to be applied by the trustees herein-before mentioned toward the erection of buildings on the said homesteads for the use of said slaves".

A further sum of \$500,000,000 to be appropriated; \$200,000,000 invested in U.S. 6% bonds, interest semi-annually added to pension; \$300,000,000 to be used to pay damages done to loyal citizens by civil or military operations of Confederate government.

Section 6.

The property of no one whose estate was worth less than \$5,000, on March 4, 1865 to be seized unless he voluntarily became an officer or employee in military or civil service of Confederate government.

Section 7.

After commissioners have completed valuation of property in several States, shall meet in Washington to make 500 million appropriation, make public for 60 days in 2 Washington newspapers and in two daily papers of the Capital of each of Confederate States.

Section 8.

If owners of seized and forfeited property shall, within 90 days after seizure, pay into Treasury of the United States the sum assessed on their estates, all of their estates and land not actually appropriated to the liberated slaves shall be released and restored to their owners.

Section 9.

Property not redeemed in 90 days shall be sold and converted into money in ways most advantageous to U.S., provided that no usable land shall be sold in larger tracts than 500 acres and provided further, that no longer credit shall be given than 3 years.

Stevens' Papers, Vol. IX.

In the House of Representatives, March 19, 1867.

Confiscation Speech

Bill (H.R.20) Relative to Damages to Loyal Men and for Other Purposes.

Bill has two fold purpose: (1) to punish belligerent traitors; (2) to compensate loyal men. Stevens feels it his duty to make an issue of the matter as "The punishment of traitors has been wholly ignored by a treacherous executive and by a sluggish Congress."

Bill is important to several classes, to maimed soldiers, to loyal men North and South.

"It is important to four million of injured, oppressed, and helpless men whose ancestors for two centuries have been held in bondage and compelled to earn the very property, a small portion of which we propose to restore to them, and who are now destitute, helpless and exposed to want and starvation under the deliberate cruelty of their former masters". It is also important to the delinquent whose property is being confiscated as a fine. It is certainly too small a punishment for so deep a crime, and too slight a warning to future ages.

"No committee or party is responsible for this bill. It's chargeable

to the President and myself. Whatever merit it possesses is due to Andrew Johnson." Johnson in the summer of 1864 made the following speech: "Let me say now is the time to secure these fundamental principles while the land is rent with anarchy and upheaves with the throes of a mighty revolution. While society is in this disordered state and we are seeking security, let us fix the foundation of the Government on the principle of eternal justice which will endure for all time."

"Why all the courage and devastation? It was that treason might be put down and traitors punished. I say the traitor has ceased to be a citizen, and in joining the rebellion has become a public enemy. Treason must be made odious, and traitors must be punished and impoverished; their great plantations must be seized and divided into small portions, and sold to honest industrious men. The day of protecting the lands and Negroes of the authors of rebellion is past. It is high time it was. I have been most deeply pained at some things which have come under my observation. We get men in command, who under the influence of flattery, favoring, and caressing, grant protection to the traitors, while the poor Union-man stands out in the cold."

The Independent
New York
April 23, 1867

Hon. Thaddeus Stevens,

My dear Sir,

I have just received a letter from the Hon. Charles Sumner, in which he mentioned that you are engaged in preparing an argument in favor of giving the Negroes, by Act of Congress, the political, as they have already received their civil rights. I am rejoiced to hear of this. I shall next week print Mr. Sumner's letter in the Independent. I wish you would write a letter, however brief, on the same point, and let me print it the week after. Just now is the time to strike a sudden and strong blow. If you feel able to take up your pen and write such a letter, I will give it a wide circulation, and will make it tell on the public mind. Then again, if you publish such a letter in the Independent, it will confirm the opinion of a great many elderly ladies that you are a good old-fashioned and devout Presbyterian.

Yours with love and admiration,

Theodore Tilton

Stevens' Papers, Vol. X.

40th Congress, 2nd Session

In the House of Representatives

December 3, 1867

A Bill

To establish a system of common schools for the District of Columbia.

Section 6

1. Provided that common schools in the District of Columbia be established "for the education of every child, without distinction of any kind between the age of five and twenty years and resident therein."
2. Schools to be kept open ten calendar months and in operation, "the other two being for the rest of teachers and recreation of pupils". "That the Board of Controllers shall cause to be inscribed in large capitals over the main entrance of every school house, and in some conspicuous place in every school-room, the lines 'All men are created equal, they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness', and the teacher shall cause those lines to be recited at least once a day, as other recitations, by the students who have taken up reading and writing. The supervising architect shall take care that this inscription is in unfading material."

Section 7

And be it further enacted, That

If the board of controllers should deem it proper to have a separate cemetery for the inmates of the public schools, it is directed that the same inscription shall be placed over its main entrance, together with the immortal words:

"Pallida mors aequo pulsat pede pauperum tabernas Recumque turas."

Washington, D.C., Jan. 6, 1868

Sir:

So far as I took any position with regard to Negro Suffrage, it was and is, that Universal Suffrage is an inalienable right and that since the amendments to the Constitution, to deprive them of it would be a violation of the Constitution as well as of a natural right. True, I deemed the hastening of the bestowal of that franchise as very essential to the welfare of the Nation, because without it I believe that the Government will pass into the hands of the loco focus and that such an event will be disastrous to the whole country. With Universal Suffrage I believe the true men of the Nation can maintain their position. Without it, whether that Suffrage be impartial or in any way qualified, I look upon this Republic as likely to relapse into an Oligarchy which will be ruled by coarse copper-headism and proud Conservatism.

I have never insisted that the franchise should be unjustly regulated so as to secure a Republican ascendancy but I have and will always insist that there can be no unjust regulation of that franchise which will give to any other party the power if the Republicans are true to themselves and do not fall into their usual vice of cowardice. The Republicans once beaten into a minority by the force of Negro prejudice will never again obtain the majority and the Nation will become a despotism.

Yours very Resp'ly

Thaddeus Stevens

F.A. Conklin
N. York

Ku Klux Klan

New Orleans

May 4, 1868

Thaddeus Stevens

Thou hast eaten the bread of wickedness, and drank the wine of violence. Thou hast sown to the wind, then shall reap the whirlwind in the Moon's last quarter. Thy end is nigh, the last warning.

By order of the R.H.P. of the

Ku Klux Klan

N. O. L. A.

Stevens' Papers, Vol. XI.

BIBLIOGRAPHY

Fully twice as many authorities have been carefully consulted in the preparation of this work as are included in the bibliography. Many of them were of assistance in a general way. Those which appear were helpful to a varying degree. Information concerning Stevens' activities before he entered Congress was necessarily gleaned from many sources, no one of which could be easily singled out as being most helpful. After he entered Congress, the Congressional Globe and Benjamin Kendrick's Journal of the Joint Committee of Fifteen on Reconstruction were by far the most valuable sources. Mr. Kendrick's work contains a complete reprint of the Journal, which is frequently cited in Part III merely as "Kendrick."

The scarcity of reliable primary source material and the manifest bias of historians and biographers has made the writer's task in preparing this work a difficult one, and has necessitated many references to authors of secondary material who were so fortunate as to gain access to private collections of manuscript pertinent to Thaddeus Stevens' life and activities.

In biographical material, which at present appears to be limited to five published works, James A. Woodburn's excellent, unbiased Life Of Thaddeus Stevens was the most reliable and helpful--an acknowledgment likewise freely made by more recent biographers. Painstaking research in the manuscript collections of Thaddeus Stevens, Abraham Lincoln, and Andrew Johnson at the Library of Congress revealed: (1) that Johnson apparently failed to write either to or about Stevens; (2) that in those papers of Lincoln which are now accessible to the public, there is only one letter written by the President to Stevens (a copy of which is in Appendix I); and (3) that the items

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concerning Stevens which are included in the Appendix are the ones most closely related to the subject.

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Rev. William E. Shiels, S.J.	April 3, 1940
Rev. Joseph Roubik, S.J.	April 3, 1940
Paul Kiniery, Ph.D.	April 3, 1940
Rev. Jerome V. Jacobsen, S.J.	April 3, 1940
Rev. Edward Cardinal, C.S.V.	April 3, 1940